

STATE OF MICHIGAN
COURT OF APPEALS

HERBERT W. G. CLANTON,

Plaintiff-Appellant,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

UNPUBLISHED

October 21, 2008

No. 277440

Ingham Circuit Court

LC No. 06-001148-CD

Before: Hoekstra, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Plaintiff appeals as of right an order of dismissal. We affirm.

Plaintiff brought this case against defendant, his employer, after grievances that he filed were unsuccessful. Plaintiff represented himself in the proceedings below. Because his pleadings were incomprehensible, plaintiff was ordered to seek legal representation and amend his pleadings to conform to the requirements of the Michigan Court Rules. When he failed to comply with the court's order, his case was dismissed and attorney fees were awarded to defendant. This appeal followed.

Plaintiff's brief neither provides a comprehensible account of the facts nor clearly sets forth his allegations. He is apparently appealing the dismissal of his case and the court's award of attorney fees to defendant. Both decisions are reviewed for an abuse of discretion. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006); *Smith v Smith*, 278 Mich App 198, 207; 748 NW2d 258 (2008).

The record indicates that plaintiff filed grievances because he was not considered for a promotion. Plaintiff claims that he was retaliated against for filing grievances and that he was discriminated against and forced to take leave under the Family Medical Leave Act. Plaintiff does not make any specific legal allegations or apply any of the sparse facts to the law; thus, the trial court did not abuse its discretion when it dismissed this case under MCR 2.504(B)(1) for plaintiff's failure to comply with the court's order to amend his complaint. Further, the award of attorney fees did not constitute an abuse of discretion because plaintiff's claims as stated are devoid of arguable legal merit. See MCL 600.2591(3)(a); MCR 2.625(A)(2).

We note that the circuit court erred in ordering plaintiff to obtain counsel because he has a constitutional right to represent himself. The Michigan Constitution provides that "[a] suitor in

any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.” Const 1963, art 1, § 13. However, because plaintiff failed to amend his complaint to comply with the court rules and the suit was properly dismissed, this error was harmless.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra