Court of Appeals, State of Michigan

ORDER

Deon Gentry v Wayne County Deputy Sheriff

Docket No. 296580

LC No. 08-115139-NO

Brian K. Zahra
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

The Court orders that the motion to strike appellant's brief is GRANTED IN PART. Appellant's Exhibits 6 through 8, 16, 18, 20, 23, and 25 through 29 are STRICKEN because, having not been filed in the trial court, the exhibits impermissibly expand the record on appeal. The record on appeal is confined to the materials that were available to trial court for its decision. See MCR 7.210(A)(1) and *Coburn v Coburn,* 230 Mich App 118, 122-123; 583 NW2d 490 (1998), rev'd on other grounds, 459 Mich 874, 875 (1998). The Clerk is directed to remove the documents appended to appellant's brief as Exhibits 6 through 8, 16, 18, 20, 23, and 25 through 29 and append a copy of this order to the brief.

Although, the Court's jurisdiction for this appeal of right is confined to a review of the denial of summary disposition based upon governmental immunity, MCR 7.203(A)(1) and MCR 7.202(6)(a)(v), the Court GRANTS LEAVE TO APPEAL with respect to appellant's Issue I—contingent on the payment of the entry fee that would have been required for the application for leave to appeal filed pursuant to MCR 7.205 that was required to obtain review with respect to Issue I. Defendant-appellant shall pay to the Clerk of this Court the required entry fee in the amount of $375 within 14 days after the Clerk's certification of this order. If the entry fee is not paid, the Clerk shall submit the matter for striking appellant's Issue I. The time for filing appellee's brief is EXTENDED until 42 days after the Clerk's certification of this order.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 14 2011
Date

Sandra Schultz Mengel
Chief Clerk