

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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LEWIS E. WILLIAMS,

Plaintiff-Appellant,

v

BONNIE PETERSON, UNITED  
CORRECTIONAL MANAGED CARE,  
INC. and KENNETH MCGINNIS,

Defendants-Appellees.

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UNPUBLISHED

January 26, 2001

No. 218132

Lenawee Circuit Court

LC No. 98-007815-CZ

Before: Markey, P.J., and Whitbeck and J. L. Martlew\*, JJ.

MEMORANDUM.

Plaintiff, acting *in propria persona*, appeals by right from the trial court's order granting defendants' motion to dismiss the case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, an inmate in the custody of the Michigan Department of Corrections, filed suit alleging that he was denied necessary medical care. Defendants moved for a more definite statement. While that motion was pending, the trial court denied plaintiff's motion for disqualification under MCR 2.003(B)(1). Subsequently, the trial court granted the motion for a more definite statement and provided that if plaintiff did not file a legally sufficient complaint within twenty-one days, the suit would be dismissed. Plaintiff filed a "response" and a "bill of particulars." Thereafter, the trial court granted defendants' motion to dismiss the case.

We review the grant of a motion to dismiss for an abuse of discretion. *North v Dep't of Mental Health*, 427 Mich 659, 661; 397 NW2d 793 (1986).

Plaintiff argues that the trial court abused its discretion by dismissing the case. We disagree. A complaint must contain allegations that are sufficient to inform the adverse party "of the nature of the claims the adverse party is called on to defend." MCR 2.111(B)(1). Plaintiff's complaint contained three "causes of action," but did not identify the party against whom each

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\* Circuit judge, sitting on the Court of Appeals by assignment.

cause of action was asserted and did not identify a legal theory on which the case was based. The complaint was insufficient under MCR 2.111(B)(1). *Iron County v Sundberg, Carlson & Associates, Inc*, 222 Mich App 120, 124-125; 564 NW2d 78 (1997). Plaintiff's filing of a bill of particulars did not comply with the trial court's order. A bill of particulars explains and amplifies a complaint, *Johnson v Patmon, Young & Kirk, PC*, 119 Mich App 362, 367; 326 NW2d 511 (1982), but does not substitute for a legally sufficient complaint. Because plaintiff neither filed a legally sufficient complaint nor timely moved to amend his complaint, MCR 2.118(A)(2), the trial court did not abuse its discretion by dismissing the case.

In addition, plaintiff argues that the trial court abused its discretion by not disqualifying itself pursuant to MCR 2.003(B)(1). We disagree. We review a decision on a motion to disqualify for an abuse of discretion. *Cain v Dep't of Corrections*, 451 Mich 470, 503; 548 NW2d 210 (1996). Plaintiff did not make the actual showing of prejudice required for disqualification under MCR 2.003(B)(1). *Mourad v Automobile Club Ins Ass'n*, 186 Mich App 715, 731; 465 NW2d 395 (1991). His unsubstantiated allegations of racial prejudice on the part of the trial court did not overcome the presumption of judicial impartiality. *Arnholt v Arnholt*, 129 Mich App 810, 817; 343 NW2d 214 (1983).

We affirm.

/s/ Jane E. Markey  
/s/ William C. Whitbeck  
/s/ Jeffrey L. Martlew