

STATE OF MICHIGAN
COURT OF APPEALS

LEWIS E. WILLIAMS,

Plaintiff-Appellant,

v

LEO J. PARRENT,

Defendant-Appellee.

UNPUBLISHED

November 30, 1999

No. 213318

Marquette Circuit Court

LC No. 80-011943 CZ

Before: Jansen, P.J., and Hoekstra and J. R. Cooper*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order granting defendant's motion for summary disposition in this mandamus action.

Plaintiff is an inmate committed to the jurisdiction of the Department of Corrections. He brought this mandamus action against defendant as food services manager of the Marquette Branch Prison, asserting that defendant failed to take the required action to abate an infestation of flies in the food service area of the prison. Defendant moved for summary disposition, stating that flies were no longer a problem when winter began, and that he had requisitioned equipment to control the fly problem in the future. Plaintiff failed to respond to the motion. No ruling was entered on defendant's motion or plaintiff's motion to amend the complaint, and the case lingered in the circuit court for years. The matter was finally brought to the court's attention in 1998, and the court granted summary disposition to defendant.

Plaintiff asserts that the trial court gave an inadequate explanation for the grant of summary disposition. We disagree. The motion asserted that the case was moot. The court stated that given the nature of the motion, and the passage of time since its filing, the motion was granted and the case dismissed. Where plaintiff never answered the motion, or gave any explanation why the case was not moot, the trial court properly granted summary disposition. MCR 2.116(G)(4).

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

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper