

STATE OF MICHIGAN
COURT OF APPEALS

STANLEY GIBBS-BEY,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED

July 7, 2000

No. 218533

Washtenaw Circuit Court

LC No. 97-008918-AH

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition under MCR 2.116(C)(4) for lack of jurisdiction. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action under 42 USC 1983, naming three employees of the Department of Corrections as defendants. Plaintiff asserted that these individuals violated his constitutional rights by refusing to remove a homosexual predator label from plaintiff's prison files. The circuit court granted summary disposition, finding that exclusive jurisdiction was in the Court of Claims.

The Court of Claims has exclusive jurisdiction to hear claims against the state and any of its instrumentalities for money damages. MCL 600.6419; MSA 27A.6419; *Carlton v Dep't of Corrections*, 215 Mich App 490, 501; 546 NW2d 671 (1996). This jurisdiction also extends to suits against state officers where the officer was acting in his official capacity when committing the complained of acts. *Id.* The Court of Claims has jurisdiction over actions under 42 USC 1983 and the state and federal constitutions. *Id.*

Exclusive jurisdiction over plaintiff's claims rests in the Court of Claims. *Silverman v University of Michigan Bd of Regents*, 445 Mich 209; 516 NW2d 54 (1994). The circuit court properly granted summary disposition for lack of jurisdiction.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad