

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-1075

RICARDO DIAZ,  
Plaintiff-Appellant,

v.

MICHIGAN DEPARTMENT OF CORRECTIONS;  
ROGER TIJERNIA, in his official and personal capacity;  
JOHN PRELESNIK, Warden, in his official and personal capacity,  
Defendants-Appellees.

No. 11-1213

CONNIE BODEN,  
Plaintiff-Appellant,

v.

MICHIGAN DEPARTMENT OF HUMAN SERVICES,  
a department of the State of Michigan, jointly and severally;  
DEBORAH COLE,  
Defendants-Appellees.

Before: ROGERS and KETHLEDGE, Circuit Judges; MARBLEY, District Judge.

**JUDGMENT**On Appeal from the United States District Court  
for the Western District of Michigan at Grand Rapids.

THIS CAUSE was heard on the record from the district court and was submitted on briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's decision dismissing all of Boden's claims is AFFIRMED. We also AFFIRM the district court's decision dismissing Diaz's FMLA claims brought under § 1983 (counts I and II), but REVERSE and REMAND the district court's decision dismissing Diaz's claim for reinstatement (count III).

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk**FILED**  
**Jan 07, 2013**  
DEBORAH S. HUNT, Clerk