

STATE OF MICHIGAN
COURT OF APPEALS

BOBBY L. HARRIS,

Plaintiff-Appellee,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellant.

UNPUBLISHED

December 20, 1996

No. 172073

LC No. 93-075931-AA

Before: Hood, P.J., and Neff and M.A. Chrzanowski*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order dismissing his petition for review of a final decision by the Department of Corrections for failure to exhaust administrative remedies. We affirm.

Plaintiff was disciplined for possession of contraband that was found in his cell. Plaintiff argues that the trial court erred when it dismissed plaintiff's petition for judicial review for failure to exhaust administrative remedies. Plaintiff claims that because his constitutional right to due process was violated, he was not required to exhaust his administrative remedies. *Dickerson v Warden, Marquette Prison*, 99 Mich App 630; 298 NW2d 841 (1980). We disagree.

The limited record provided reveals that plaintiff was given the charges on 8/18/93. A hearing was held on 8/19/93, from which plaintiff was removed as disruptive. Defendant was permitted the opportunity to submit questions to the witness he requested, but the sole question he presented was deemed irrelevant. His request for fingerprints of the contraband was also ruled irrelevant. Plaintiff was required to exhaust his administrative remedies, MCL 791.254(3); MSA 28.2320(54)(3) and MCL 791.255; MSA 28.2320(55). The trial court did not err.

Affirmed.

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

/s/ Harold Hood

/s/ Janet T. Neff

/s/ Mary A. Chrzanowsk