

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

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SAMUEL JONES,

Plaintiff-Appellant,

v

FREDERIC L. WYCKOFF and EVANS,  
PLETKOTOVIC & RHODES, P.C.,

Defendants-Appellees.

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UNPUBLISHED  
November 4, 1997

No. 194731  
Wayne Circuit Court  
LC No. 95-516530 CZ

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Plaintiff appeals by right from a May 3, 1996, order of the Wayne Circuit Court, granting defendants' motion for summary disposition under MCR 2.116(C)(7), based on a release. Plaintiff concedes that defendants were entitled to dismissal of this action based on the release, but asserts that the circuit court erred in awarding sanctions to defendants for plaintiff's failure to dismiss the action earlier as called for in the release agreement.

The order of May 3, 1996, however, makes no reference to sanctions; it simply declares that the suit is dismissed based on the release. In a subsequent order issued May 31, 1996, the circuit court awarded sanctions. Plaintiff attempted to file a claim of appeal from that order, Docket No. 196916, but the appeal was dismissed because such post-judgment orders are appealable only by leave, not by right. MCR 7.202(8)(a)(i).

On this appeal of right, the sole issue raised by plaintiff is an assertion that the circuit court erred in awarding sanctions in its order of May 31, 1996. The claim of appeal, however, subsumes the right to raise only issues that relate to the order from which the appeal is claimed or to prior, interlocutory orders. Subsequent, substantive orders are outside the scope of this Court's jurisdiction based upon the claim of appeal from the order of May 3, 1996. *McVeigh v City of Jackson*, 335 Mich 201; 56 NW2d 231 (1953). Accordingly, pursuant to MCR 7.216(A)(10), this appeal is dismissed.

Dismissed.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs