

STATE OF MICHIGAN
COURT OF APPEALS

TERRANCE ROACHE,

Plaintiff-Appellant,

v

WAYNE COUNTY SHERIFF'S DEPARTMENT,
LT. CZESNICK, JOHN WALKER and MALCOLM
THOMPSON,

Defendants-Appellees,

and

ALVIN COLEMAN,

Defendant.

UNPUBLISHED
October 27, 1998

No. 201710
Wayne Circuit Court
LC No. 95-530647 NO

Before: Whitbeck, P.J., and McDonald and T. G. Hicks*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order entered in the trial court summarily dismissing plaintiff's racial, height and weight discrimination action brought pursuant to the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*; MSA 3.548(101) *et seq.* MCR 2.116(C)(10). We affirm.

Viewing the record documentation in favor of plaintiff and granting plaintiff the benefit of any reasonable doubt, *Horn v Dep't of Corrections*, 216 Mich App 58, 66; 548 NW2d 660 (1996), plaintiff has failed to present documentation sufficient to create a genuine issue of material fact with regard to whether he was treated differently than probationary employees of a different race who were similarly situated. *Meagher v Wayne State University*, 222 Mich App 700, 709; 565 NW2d 401 (1997); *Reisman v Regents of Wayne State University*, 188 Mich App 526, 538; 470 NW2d 678 (1991); *Bowerman v Malloy Lithographing, Inc.*, 171 Mich App 110, 115; 430 NW2d 742 (1988).

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

Similarly, plaintiff has failed to present sufficient documentation to create a genuine issue of material fact with regard to whether he was treated differently because of his height and weight or that his height and weight played a role in determining his job assignments. *Meagher, supra*.

Affirmed.

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks