

STATE OF MICHIGAN
COURT OF APPEALS

KIRK LEAPHART,

Plaintiff-Appellant,

v

STATE OF MICHIGAN,

Defendant-Appellee.

UNPUBLISHED

December 3, 1999

No. 212694

Wayne Circuit Court

LC No. 97-739171 CZ

Before: Jansen, P.J., and Hoekstra and J. R. Cooper*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order granting judgment in favor of defendant and dismissing his complaint. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed suit alleging that the Department of Corrections violated his constitutional rights in various ways. He also alleged that this Court violated his rights. Plaintiff sought both equitable relief and money damages.

The circuit court granted judgment in favor of defendant pursuant to MCR 2.116(I)(1) and dismissed the case on the ground that the Court of Claims had exclusive subject matter jurisdiction over the types of claims in plaintiff's complaint. MCL 600.6419(1); MSA 27A.6419(1); *Lowery v Dep't of Corrections*, 146 Mich App 342, 348; 380 NW2d 99 (1985).

Plaintiff argues that the circuit court erred by dismissing the case without adjudicating his constitutional claims. We disagree and affirm. Plaintiff's complaint sought both equitable relief and money damages. Such an action must be filed in the Court of Claims, because that is the only forum capable of deciding the entire case. MCL 600.6419a; MSA 27A.6419(1); *Todd v Dep't of Corrections*, 232 Mich App 623, 628; 591 NW2d 375 (1998). The circuit court properly declined to adjudicate plaintiff's constitutional claims alleging violation of civil rights. *Lowery, supra*. The only valid

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

act which the circuit court could undertake was to dismiss the case. *Fox v Bd of Regents of the University of Michigan*, 375 Mich 238, 242; 134 NW2d 146 (1965).

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper