

STATE OF MICHIGAN
COURT OF APPEALS

DEAN FITZPATRICK,

Plaintiff-Appellant,

v

SECRETARY OF STATE,

Defendant-Appellee.

UNPUBLISHED

February 23, 2001

No. 220038

Oakland Circuit Court

LC No. 86-318980-AZ

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed a complaint for declaratory judgment, asserting that certain election laws concerning ballot matters were unconstitutional. The trial court denied defendant's motion for summary disposition, and this Court reversed in an unpublished decision, finding that the trial court lacked jurisdiction. (Docket No. 105053, issued 08/30/88). Ten years later, plaintiff sought to revive the matter, relying on an unpublished decision in another case. *Fitzpatrick v Secretary of State*, (Docket No. 123569, issued 02/06/91). The trial court again granted summary disposition to defendant, finding that the matter was governed by this Court's initial opinion.

The law of the case doctrine provides that a ruling by an appellate court with regard to a particular issue binds the appellate court and all lower tribunals with respect to that issue. *Driver v Hanley (After Remand)*, 226 Mich App 558, 565; 575 NW2d 31 (1997). The law of the case doctrine controls only if the facts have remained materially the same. *Id.*

In deciding the first appeal in this action, this Court found that the trial court lacked jurisdiction because plaintiff failed to establish the existence of an actual injury. As the trial court noted, plaintiff has presented no new facts that would affect this Court's prior ruling. The trial court properly granted summary disposition.

Moreover, we note that plaintiff's instant argument on appeal is cursory, and he cites no binding authorities. We are not required to develop an appellant's argument or search for authority to sustain a position. See *Palo Group Foster Care, Inc v Dep't of Social Services*, 228

Mich App 140, 152; 577 NW2d 200 (1998), and *People v Lynn*, 223 Mich App 364, 368-369; 566 NW2d 45 (1997).

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell