

STATE OF MICHIGAN  
COURT OF APPEALS

---

JEFFREY R. BURNETT,

Plaintiff-Appellant,

v

FIFTIETH JUDICIAL CIRCUIT COURT,  
MAYOR WILLIAM LYNN, CITY OF SAULT  
STE. MARIE, SAULT STE. MARIE POLICE  
DEPARTMENT, MICHAEL WHITNE, and  
STEVE CANNELLO,

Defendants-Appellees.

---

UNPUBLISHED

March 12, 2002

No. 233416

Chippewa Circuit Court

LC No. 99-004152-CZ

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order dismissing his complaint for failure to comply with court orders. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, plaintiff argues that the trial court erred in granting summary disposition of his claim under the Persons With Disabilities Civil Rights Act, MCL 37.1101 *et seq.*, because the claim was not frivolous, citing *Rangel v Univ of Michigan*, 157 Mich App 563; 403 NW2d 836 (1987). However, the trial court did not dismiss plaintiff's civil rights claim on the ground of frivolousness; the court expressly reserved any ruling on the viability of that claim and then dismissed the balance of the action. The dismissal of the civil rights claim more than a year later was based on plaintiff's failure to follow the court's order to pay costs. On this record, we find no abuse of discretion in the trial court's decision. MCR 2.114; MCR 2.504.

Affirmed.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray