

STATE OF MICHIGAN
COURT OF APPEALS

GREG ASLINGER,

Plaintiff,

v

DEPARTMENT OF CORRECTIONS,

Defendant.

UNPUBLISHED
December 2, 2003

No. 241266

Before: Murray, P.J., and Gage and Kelly, JJ.

MEMORANDUM.

Plaintiff brought this original action for mandamus, seeking to direct defendant to terminate one of his sentences. We deny the issuance of a writ. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff's complaint was based on defendant's failure to terminate his underlying sentence contrary to this Court's holding in *Lickfeldt v Dep't of Corrections*, 247 Mich App 299; 636 NW2d 272 (2001), after he began serving a consecutive sentence for prison escape, MCL 750.193(1). After the complaint was filed, defendant adopted a policy bringing it into compliance with this Court's decision. Plaintiff's underlying sentence was subsequently terminated effective December 22, 1993. Although plaintiff argues that his sentence should have been terminated at an earlier date, this issue is moot where his maximum possible term has passed and he has been granted parole. *Id.*, 306.

A writ of mandamus is denied.

/s/ Christopher M. Murray
/s/ Hilda R. Gage
/s/ Kirsten Frank Kelly