

STATE OF MICHIGAN
COURT OF APPEALS

ALLAN D. SCHOPPER,

Plaintiff-Appellant,

v

ROBERT L. O'CONNOR, MICHAEL H.
LOVELACE, and DENNIS H. GIRARD,

Defendants-Appellees.

UNPUBLISHED

October 20, 2009

No. 285096

Marquette Circuit Court

LC No. 07-044988-CZ

Before: Hoekstra, P.J., and Bandstra and Servitto, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's order granting summary disposition to defendant Michael Lovelace. Plaintiff also appeals the orders granting summary disposition to defendants Robert O'Connor and Dennis Girard. Because we conclude that the trial court correctly granted summary disposition to defendants, we affirm.

O'Connor, a Michigan State Police trooper, investigated a complaint by plaintiff against his neighbors. During his investigation, O'Connor learned that there was a warrant from Outagamie County, Wisconsin, for plaintiff's arrest. O'Connor confirmed the warrant over the telephone with the Outagamie County Sheriff's Office. On July 31, 2007, O'Connor went to plaintiff's house and returned a DVD that plaintiff had given him during the investigation. After O'Connor informed plaintiff of the warrant, plaintiff asked if he would be arrested. O'Connor replied that, unless plaintiff posted the \$2,000 bond stated on the warrant, he would be arrested. Plaintiff stated that he did not have \$2,000, and he was then arrested by two state troopers. The two troopers transported plaintiff to the Marquette County jail. The following day, one of plaintiff's family members posted the \$2,000 bond, which was forwarded to the Outagamie County court. Plaintiff was released and, pursuant to the bond form, was to appear at the Outagamie County courthouse on August 16, 2007, for arraignment. Plaintiff failed to appear for his arraignment, the \$2,000 bond was forfeited, and a bench warrant was issued for his arrest.

Plaintiff sued O'Connor, Lovelace, the Marquette County sheriff, and Girard, the chief judge of Marquette District Court. He claimed that defendants illegally arrested and imprisoned him, illegally forwarded the \$2,000 bond to the Outagamie County court, and failed to provide him with the necessary extradition hearings. Defendants filed separate motions for summary disposition, and the trial court granted each motion. We review de novo a trial court's decision

on a motion for summary disposition. *Robinson v City of Lansing*, 282 Mich App 610, 613; 765 NW2d 25 (2009).

Plaintiff's claims that the trial court erred in granting summary disposition to defendants are without merit. First, Girard was entitled to absolute immunity. See MCL 691.1407(5). Plaintiff's claim against Girard arose from Girard's actions within the scope of his judicial authority. Second, plaintiff's arrest was legal. A law enforcement officer may arrest a person without a warrant if the officer "has received positive information by . . . telephonic . . . source that another . . . court holds a warrant for the person's arrest." MCL 764.15(1)(e). O'Conner received telephonic information that there was a warrant for plaintiff's arrest from the Outagamie County court. Because plaintiff's arrest was legal, plaintiff's claims for false arrest and false imprisonment fail. *Odom v Wayne Co*, 482 Mich 459, 481; 760 NW2d 217 (2008). Third, because plaintiff was released from the Marquette County jail after a family member paid the \$2,000 bond on his behalf, he cannot claim that he was not provided with proper extradition hearings. Fourth, plaintiff did not pay the \$2,000 bond. Consequently, he does not have standing to challenge the forwarding of the bond to the Outagamie County court; he does not have a substantial interest or personal stake in the money. See *Rogan v Morton*, 167 Mich App 483, 486; 423 NW2d 237 (1988).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Richard A. Bandstra
/s/ Deborah A. Servitto