

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN LINDKE, *et al.*,

Plaintiffs,

v.

Case No. 22-cv-11767  
Hon. Matthew F. Leitman

MAT KING, *et al.*,

Defendants.

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**ORDER (1) GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION TO DISMISS FIRST AMENDED  
COMPLAINT, OR, IN THE ALTERNATIVE, TO CERTIFY  
THE ISSUE OF THE APPLICABILITY OF MCL 51.282 TO  
CRIMINAL CONTEMPT SENTENCES TO THE MICHIGAN  
SUPREME COURT (ECF No. 18) AND (2) DENYING AS MOOT  
PLAINTIFFS' MOTION FOR ORDER TO DETERMINE WHETHER  
THIS COURT IS DECLINING SUPPLEMENTAL JURISDICTION  
OVER STATE CLAIMS OR TO CERTIFY QUESTION TO THE  
MICHIGAN SUPREME COURT (ECF No. 21)**

On June 6, 2023, the Court held a hearing over video conferencing to hear argument on two motions that are now pending before the Court: Defendants' Motion to Dismiss First Amended Complaint, or, in the Alternative, to Certify the Issue of the Applicability of MCL 51.282 to Criminal Contempt Sentences to the Michigan Supreme Court (ECF No. 18) and Plaintiffs' Motion for Order to Determine Whether this Court is Declining Supplemental Jurisdiction over State Claims or to Certify Question to the Michigan Supreme Court (ECF No. 21). For

the reasons explained on the record during that hearing, Defendants' Motion to Dismiss First Amended Complaint, or, in the Alternative, to Certify the Issue of the Applicability of MCL 51.282 to Criminal Contempt Sentences to the Michigan Supreme Court (ECF No. 18) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- The motion is **DENIED** to the extent that it seeks dismissal of Plaintiffs' claims under 42 U.S.C. § 1983 (Counts I, III, V, VII, and IX).
- The motion is **GRANTED** to the extent that it seeks dismissal of Plaintiffs' claims under the Michigan Constitution (Counts II, IV, VI, VIII, and X).

Those claims are **DISMISSED WITH PREJUDICE**.

Moreover, as further explained on the record and because the Court has dismissed Plaintiffs' state-law claims, Plaintiffs' Motion for Order to Determine Whether this Court is Declining Supplemental Jurisdiction over State Claims or to Certify Question (ECF No. 21) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: June 6, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 6, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126