

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.

**ORDER (1) DENYING DEFENDANTS' MOTION TO CERTIFY
QUESTION TO THE MICHIGAN SUPREME COURT (ECF No. 47) AND
(2) DENYING IN PART, GRANTING IN PART, AND TAKING UNDER
ADVISEMENT IN PART DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT (ECF No. 45)**

On May 17, 2024, the Court held a hearing on two motions: Defendants' Motion to Certify Question to the Michigan Supreme Court (ECF No. 47) and Defendants' Motion for Summary Judgment (ECF No. 45). For the reasons explained on the record during that hearing, the Court orders as follows:

1. Defendants' Motion to Certify Question to the Michigan Supreme Court (ECF No. 47) is **DENIED**.
2. Defendants' Motion for Summary Judgment (ECF No. 45) is **GRANTED** to the extent it seeks judgment in favor of the individual Defendants in their individual capacities on the basis of qualified immunity. All claims against the individual Defendants are **DISMISSED**.

3. Defendants' Motion for Summary Judgment (ECF No. 45) is **DENIED** to the extent it seeks judgment in favor of St. Clair County on the basis that:
 - a. The good time statute, MCL 51.282, does not apply to criminal contempt sentences.
 - b. Plaintiff Schultz' claim is barred by *Heck v. Humphrey*.
4. Defendants' Motion for Summary Judgment (ECF No. 45) is **TAKEN UNDER ADVISEMENT** as to the arguments presented under the heading in Defendants' brief labeled: "C. Plaintiffs' Claims are Barred Because They Failed to Meet the Procedural Prerequisites of the Act." (*See* Mot., ECF No. 45, PageID.2055-2063.) As discussed during the hearing, the parties shall file supplement briefs on the arguments raised in that section of Defendants' brief. The briefing schedule will be finalized at a status conference to be held in roughly two weeks.
5. Defendants' Motion for Summary Judgment (ECF No. 45) is **DENIED AS MOOT** to the extent it seeks judgment on the basis of quasi-judicial immunity for the individual Defendants.

IT IS SO ORDERED.

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

Dated: May 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 17, 2024, by electronic means and/or ordinary mail.

s/Erica Parkin on behalf of _____
Holly Ryan, Case Manager
(313) 234-5126