

lished statutory or constitutional law. In response to the defense of qualified immunity, Plaintiff asserts "that both property and liberty interests were deprived by the manner in which he was transferred without due process from the Department of Family Medicine and the malicious false accusations and acts committed by Dr. Ross-Lee once he was reinstated." Plaintiff's Reply in Opposition to Defendants' Motion to Dismiss, at 31. This Court has determined that the transfer violated no Federally protected cognizable property or liberty interest. Moreover, malicious and false accusations impugning reputation do not clearly constitute any constitutional violation. *See Paul v. Davis*, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976). Accordingly this Court determines that defendants could have reasonably concluded that the transfer of Farkas from the DFM to the DCHS and their subsequent false and malicious accusations did not violate any constitutional property or liberty interests.

### III. CONCLUSION

In accordance with the foregoing analysis this Court grants defendants' motion for summary judgment and dismisses plaintiff's amended complaint alleging deprivation of his property and liberty interests without due process of law brought under 42 U.S.C. § 1983.



**UNITED STATES of America, Plaintiff,**

v.

**BAY MILLS INDIAN COMMUNITY,**

**et al., Defendants.**

**No. M85-335 CA.**

United States District Court,  
W.D. Michigan, N.D.

Aug. 15, 1989.

John Smietanka, U.S. Atty. by Daniel M. LaVille, Asst. U.S. Atty., Grand Rapids, Mich., for plaintiff.

Michigan Indian Legal Services, Michael D. Petoskey, Traverse City, Mich. (Michael

C. Parish, Sault Ste. Marie, Mich., of counsel), for Hannahville Indian Community.

Jeanette Wolfley, Native American Rights Fund, Boulder, Colo., for Bay Mills Indian Community.

Daniel T. Green, Sault Ste. Marie, Mich., Bruce R. Greene, Boulder, Colo., Sault Ste. Marie Tribe of Chippewa Indians.

Garfield W. Hood, L'Anse, Mich., for Keweenaw Bay Indian Community.

William Rastetter, Cedar, Mich., for Grand Traverse Band of Ottawa & Chippewa Indians.

### ORDER GRANTING RULE 60(b)(6) RELIEF, VACATING PRIOR OPINION AND JUDGMENT AND DISMISSING CASE

HILLMAN, Chief Judge.

This matter having come before the Court upon the parties' joint motion pursuant to FRCP 60(b)(6) for relief of this Court's judgment of August 11, 1988, and this Court being fully advised in the premises;

Now, therefore, IT IS ORDERED, that the opinion of this Court at 692 F.Supp 777 (W.D.Mich.1988) is hereby VACATED, this Court's judgment pursuant to that opinion is also VACATED, and this case is DISMISSED.



**UNITED STATES of America, Plaintiff,**

v.

**CITY OF MENOMINEE, MICHIGAN;**

**State of Michigan, and Menominee**

**Paper Company, Inc., Defendants.**

**Nos. M88-107 CA, M88-108 CA.**

United States District Court,  
W.D. Michigan, N.D.

Oct. 26, 1989.

Environmental Protection Agency (EPA) brought action against city, state,