

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,
ex rel. ADAM ALHARBI,

Case No. 25-017768-CZ
Hon. Kathleen M. McCarthy

Plaintiffs,

-v-

MUHITH MAHMOOD, an individual,
THE HAMTRAMCK CITY COUNCIL,
THE WAYNE COUNTY BOARD OF
CANVASSERS, and the HAMTRAMCK CITY
CLERK, in her official capacity only,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY DISPOSITION AND DIRECTING
THE BOARD OF ELECTIONS TO CERTIFY THE BALLOTS**

At a session of said Court,
held in the City of Detroit,
County of Wayne, State of Michigan
on 10/30/2026
PRESENT: Hon. Kathleen M. McCarthy
Circuit Court Judge

Pending before the Court are Defendant's renewed motion for summary disposition pursuant to MCR 2.116(C)(8) and the Court's findings following an evidentiary hearing on the issue of Defendant's residency. The Court, having reviewed the matters, and otherwise being fully advised in the premises, issues the following opinion and order.

Background

This case arises from the November 2025 mayoral election in the city of Hamtramck between Plaintiff Adam Alharbi and Defendant Muhith Mahmood. In order to appear on the ballot, Mahmood filed an affidavit of candidacy with the Hamtramck City Clerk on April 7, 2025, in

which he asserted that he had been a resident of Hamtramck for at least a year, thereby meeting the requirements established by the Hamtramck City Charter to hold the office of mayor. After the November 2025 election, Alharbi was declared the winner by an extremely narrow margin. Aside from the very close results, a controversy arose when the Hamtramck City Clerk revealed that 37 absentee ballots had not been counted. Based on his expectation that Mahmood would challenge the election results, Alharbi preemptively filed this action shortly after the election, generally alleging that in his candidacy documents, Mahmood fraudulently stated that he resided in Hamtramck, when he actually resides in Troy. Alharbi alleged three counts. In Count I, “Quo Warranto,” Alharbi alleged that Mahmood was unlawfully claiming the office of mayor. In Count II, “Declaratory Judgment,” Alharbi sought a declaration that Mahmood was not eligible to be a candidate and may not be certified or seated. In Count III, “Emergency Injunctive Relief Against City Clerk,” Alharbi requested “an immediate Temporary Restraining Order preventing certification and/or swearing-in of Defendant” until the action was resolved.

In addition to his complaint, Alharbi filed a motion for an emergency temporary restraining order (TRO) and preliminary injunction, and a motion for leave to proceed quo warranto. In support of his allegation that Mahmood did not satisfy the Hamtramck City Charter’s residency requirements for the office of mayor, Alharbi primarily submitted an investigation report purporting to demonstrate that Mahmood resided in Troy. Meanwhile, Mahmood filed a motion for summary disposition pursuant to MCR 2.116(C)(8). Mahmood also filed a separate lawsuit seeking a writ of mandamus requiring that the 37 ballots be counted. In that case, the Court issued an order denying the request to have the ballots counted.

In the present action, the Court¹ took testimony on November 14, 2025 and determined that Alharbi's motion for leave to proceed quo warranto was deficient and his motion was denied without prejudice. The evidence contained in the report included that a Toyota Highlander, believed to be driven by Mahmood was seen parked in Troy, Mahmood was seen in Troy removing snow from his home there, neighbors knew him to reside there, a federal tax lien from a year prior to 2024 was presented and that he had vehicles registered in Troy and Warren but not Hamtramck. Alharbi filed a motion for reconsideration. On December 29, 2025, the trial court issued an order in which it declined to reconsider its prior decision, finding that the evidence submitted by Alharbi in support of his allegations did "not lend sufficient credence to Plaintiff's claims to justify further inquiry by quo warranto proceedings." The court accordingly ordered that Alharbi's motions to proceed quo warranto and for injunctive relief were denied. The order ended by stating, "This resolves the last pending matter and closes the case."

Alharbi appealed. In an unpublished *per curiam* opinion issued September 4, 2026, the Court of Appeals concluded that it lacked jurisdiction to hear the appeal, because the order entered December 29, 2025, was not a final order. In light of the Court of Appeals' opinion issued on October 2, 2026, this Court immediately issued an order scheduling an evidentiary hearing on the issue of Mahmood's residency. October 8, 2026, Mahmood filed a renewed motion for summary disposition pursuant to MCR 2.116(C)(8). In his motion for summary disposition, Mahmood argues that Alharbi's claim for quo warranto should be dismissed because he has failed to comply with the requirements of MCR 3.306. More specifically, Mahmood argues that the Attorney General is required to bring an action for quo warranto under these circumstances, where the

¹ The prior decisions in this matter were issued by the Court's former chief judge and have been reassigned to the present judge as the current chief judge's designee.

challenged candidate is the mayor-elect of Hamtramck. Mahmood notes that there is no indication the Attorney General refused to bring the action. He additionally argues that dismissal is appropriate because Alharbi failed to avail himself of other remedies, such as filing an action to have Mahmood removed from the ballot, if he believed he did not meet Hamtramck's residency requirements. Mahmood further contends that Alharbi's action is barred by laches. Aside from his procedural arguments, Mahmood disputes Alharbi's allegation that he is not a Hamtramck resident.

In response to Mahmood's motion, Alharbi argues that the issue of quo warranto is properly before the Court. He takes the position that the issue of residency should be addressed on the merits, citing evidence he believes supports the conclusion that Mahmood resides in Troy, rather than Hamtramck. On the same date Alharbi filed his response to the motion, Mahmood filed documentary evidence in support of his position that he resides in Hamtramck, which Alharbi followed with a motion asking the Court to defer a decision on the motion for summary disposition for 30 days, to give him the opportunity to obtain additional evidence to support his allegation that Mahmood resides in Troy. Alharbi specifically requested time to obtain state driver and vehicle records, insurance garaging records, property records, carrier records, and account location data, which he had subpoenaed from Meta and other entities.

Discussion

As discussed below, upon thorough review, the Court concludes that the procedural requirements for an action in quo warranto have not been met in this case, and that the quo warranto claim also lacks substantive merit. At the time this action was filed, Mahmood was neither an elected official or the mayor-elect; there is no indication he was unlawfully holding or claiming the office. Therefore, Alharbi's action in quo warranto warrants dismissal on that procedural basis

alone. Even assuming a quo warranto action could be brought under such circumstances, Alharbi circumvented the requirement that the action be filed by the Attorney General. Given that both sides expressed a willingness to have evidence heard on the issue of Mahmood's residence, and out of an abundance of caution to bring finality to this dispute and the people of Hamtramck, the Court conducted a lengthy evidentiary hearing on the issue of residence, and concludes that Alharbi's quo warranto claim lacks substantive merit as well.

"Quo warranto" is a "common-law writ used to inquire into the authority by which a public office is held or a franchise is claimed." Black's Law Dictionary (9th ed.). Quo warranto is the only appropriate remedy for determining the proper holder of a public office. *Petrie v Curtis*, 387 Mich 436, 438-441; 196 NW2d 761 (1972); *Layle v Adjutant General*, 384 Mich 638, 641; 186 NW2d 559 (1971). MCR 3.306 governs actions for quo warranto. The most important considerations in granting leave to file quo warranto are (1) whether an appropriate application was made to the Attorney General and (2) whether the application disclosed sufficient apparent merit to justify further inquiry by quo warranto proceedings. *Grand Rapids v Harper*, 32 Mich App 324, 329; 188 NW2d 668 (1971).

MCR 3.306 governs actions brought in quo warranto and provides, in relevant part, as follows:

(A) Jurisdiction.

(1) An action for quo warranto against a person who usurps, intrudes into, or unlawfully holds or exercises a state office, or against a state officer who does or suffers an act that by law works a forfeiture of the office, must be brought in the Court of Appeals.

(2) All other actions for quo warranto must be brought in the circuit court.

(B) Parties.

(1) Actions by Attorney General. An action for quo warranto is to be brought by the Attorney General when the action is against:

(a) a person specified in subrule (A)(1);

(b) a person who usurps, intrudes into, or wrongfully holds or exercises an office in a public corporation created by this state's authority;

.....

(2) Actions by Prosecutor or Citizen. Other actions for quo warranto may be brought by the prosecuting attorney of the proper county, without leave of court, or by a citizen of the county by special leave of the court.

(3) Application to Attorney General.

(a) A person may apply to the Attorney General to have the Attorney General bring an action specified in subrule (B)(1). The Attorney General may require the person to give security to indemnify the state against all costs and expenses of the action. The person making the application, and any other person having the proper interest, may be joined as parties plaintiff.

(b) If, on proper application and offer of security, the Attorney General refuses to bring the action, the person may apply to the appropriate court for leave to bring the action himself or herself. The court must not grant leave under this subrule if the action relates to the offices of electors of President and Vice President of the United States.

This is an action concerning the Office of mayor of Hamtramck. Based on its City Charter and the Home Rule City Act, MCL 117.1, the City of Hamtramck is a public corporation. Therefore, the Attorney General is the proper party to bring a quo warranto action alleging that the office of mayor has been usurped. See MCL 600.4501; *see also Ballenger v Cahalan*, 145 Mich App 811, 818; 378 NW2d 607 (1985), lv denied, 422 Mich 976 (1985) (“A private citizen, even one claiming title to the contested office, has no standing until a proper request has been made to the Attorney General and he has refused”). MCR 3.306 requires the same procedural steps: “[i]f, on proper application and offer of security, the Attorney General refuses to bring the action, the person may apply to the appropriate court for leave to bring the action himself or herself.” MCR 3.306(B)(3)(b). Requiring that a quo warranto action is either brought by the Attorney General or permitted only by leave of court prevents vexatious, privately-motivated suits. A relator must show “public policy will be subserved by the proceeding,” not merely a private grievance. *Barrow v Detroit Mayor*, 290 Mich App 530, 544; 802 NW2d 658, 666 (2010).

At the time Alharbi initially filed this action, Mahmood had not been elected to public office. While Alharbi’s appeal was pending, Mahmood’s litigation to have the 37 absentee ballots counted was also on appeal. In that case, in an unpublished *per curiam* opinion and order issued March 27, 2026, the Court of Appeals ruled in Mahmood’s favor. Alharbi filed a motion for

reconsideration, which was denied, and then sought leave to appeal, which was also denied. As a result of the ongoing appellate litigation, the ballots were not counted until October 16. Once the ballots were counted, Mahmood had more votes than Alharbi.

As of today, it appears that Mahmood is, in fact, the rightful mayor of Hamtramck. Nevertheless, it is undisputed that this action is not brought by the Attorney General. Furthermore, Alharbi does not allege that the Attorney General refused to bring the action in quo warranto.² Because the City of Hamtramck is a public corporation, under MCR 3.306, the action was to be brought by the Attorney General. Therefore, this action in quo warranto was not properly before the Court. Because Plaintiff has failed to bring his action in quo warranto in compliance with MCR 3.306, he has failed to state a quo warranto claim for which relief may be granted, and his quo warranto claim is, and was, previously properly dismissed. Likewise, his claims for injunctive relief and a declaratory judgment, which are merely derivative of his quo warranto claim, are also properly dismissed under MCR 2.116(C)(8).

Even assuming Plaintiff is appropriately seeking leave of the Court to proceed in quo warranto now that Mahmood is the elected mayor, Alharbi has failed to establish a basis for the Court to grant such leave. Plaintiff's action is based on the claim that Defendant's residence is in Troy, rather than Hamtramck. MCL 168.11(1) provides the following definition of "residence":

"Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This section does not affect existing judicial interpretation of the term residence.

² Alharbi's complaint states that the Attorney General declined to bring the action due to a conflict of interest, but he has stated in subsequent court filings that it was actually the *Wayne County Prosecutor* who declined to investigate the matter.

The term has been given the following judicial interpretation: “Residence means the place where one resides, an abode, a dwelling or habitation, especially a settled or permanent home or domicile. Residence is made up of fact and intention. There must be the fact of abode, and the intention of remaining.” *Reaume & Silloway v Tetzlaff*, 315 Mich 95, 99; 23 NW2d 219, 221 (1946), quoting *Wright v Genesee Circuit Judge*, 117 Mich 244; 75 NW 465, 466.

Throughout these proceedings, both Alharbi and Mahmood have expressed willingness to have an evidentiary hearing on the issue of Mahmood’s residency. Such a process was approved of with respect to a quo warranto claim in *Davis v Chatman*, 292 Mich App 603; 808 NW2d 555, (2011). The trial court has the authority to judge credibility in such proceedings, and its conclusions are given deference. *See Davis v Chatman, supra*.

Both sides have filed extensive documentary evidence with the Court with respect to their positions. Accordingly, out of an abundance of caution and due to the serious and time-sensitive allegations of voter fraud, including the time and energy devoted to multiple lawsuits and the need for finality for Hamtramck, this Court permitted an evidentiary hearing on the issue of residency. Out of the plethora of witnesses presented on behalf of Plaintiff Alharbi, most failed to provide much support, if any, for his claim that Mahmood’s residence is not in Hamtramck. While, Mahmood acknowledged dividing his time between his family’s residence in Troy and his residence in Hamtramck, he presented credible evidence that he resides the greater part of his time in Hamtramck, sufficient to meet the residency requirements.

At the time Plaintiff filed this action, Alharbi submitted an investigative report on Mahmood’s residency. According to the report, the investigation was prepared in April of 2025 at the request of former Hamtramck City Clerk Rana Faraj, on behalf of the City of Hamtramck. On its face, it appears that the investigation was inconclusive. The first page of the report states, “The

Candidate's [Mahmood's] Affidavit [of intent] cannot be substantiated as truthful based upon the investigation evidence. At this time, we cannot validate the facts reported." The "evidence/data" collected in the report was scant, at best. The report describes an undated conversation with an unidentified individual residing next door to the Troy address where Mahmood's family resides. The report stated that the neighbor "[h]as known the candidate to reside full time at this address with family for more [than] 7 years." The report also referenced surveillance of the candidate, which "revealed that his vehicles are garaged/parked overnight at the Patterson home more than 50% of the time." However, the report did not mention the dates of surveillance, and included only 2 photos of parked vehicles, with both photos dated April 15, 2025. In sum, the report offered negligible support for the quo warranto claim. Normally, given the serious nature of quo warranto litigation, a challenger comes to court with sufficient documentation, vetted by the Attorney General's office, to support a claim.

After this Court issued its order scheduling the evidentiary hearing, Alharbi submitted additional evidence, including the affidavit of David Adamczyk, who investigated Mahmood's residency at the request of the City of Hamtramck. According to his affidavit, Adamczyk investigated from November, 2024, through May, 2025. He stated that he had a "strong conviction" that Mahmood resided outside of Hamtramck as a result of his investigation. In support of his position, he noted that Mahmood had mail he receives at a rental property in Hamtramck forwarded to the Troy address. He noted that a 2006 Chevy Trailblazer driven by Mahmood is titled at the Troy address. Adamczyk stated that Mahmood "consistently overnighted elsewhere," and that an inspection of the inside of the Hamtramck address revealed "insufficient furnishings." Adamczyk's affidavit included an analysis of Mahmood's water usage. He concluded that

Mahmood's water usage of about 2244 - 2992 gallons of water per month was less than the 4767.5 gallons per month a single person would be expected to use.

In support of his position that he resides in Hamtramck, Mahmood submitted proof of his ownership of a home in Hamtramck since 2019, evidence that he identified it as his primary residence with a principle residence exemption since 2021; mortgage and homeowner's insurance payments since 2024, utility bills in his name (including water, electricity, and gas), mobile phone service billed to the Hamtramck residence, evidence that he receives mail at the Hamtramck address, his driver's license showing the Hamtramck address since 2023, a 2024 tax return, which lists the Hamtramck address, and multiple years of a personal and campaign bank account statements listing his Hamtramck property. The court's review of the utility bills submitted establishes levels of usage consistent with someone residing in Hamtramck, with appropriate seasonal fluctuations.

On October 22, the Court held an evidentiary hearing at which both sides presented witnesses. The following witnesses were called by Alharbi: Karen Bloom, a neighbor of the Mahmood family residence in Troy; Tysen Moore, a neighbor of the Mahmood family residence in Troy; Teresa Steinwascher, a neighbor across the street from the Mahmood family residence in Troy; Mohamed Ali Alghazali, Mahmood's tenant at his primary home in Hamtramck; Georgia Ziegler, Departmental Specialist with the Intelligence Operations Center of the Michigan State Police; Christopher Kurish, Detective Sergeant with the Michigan State Police; David Adamczyk, formerly of the Hamtramck Police Department; Defendant, Muhith Mahmood; and Plaintiff, Adam Alharbi. In addition, the following witnesses were called by Mahmood: Bogdamma Didocha, Mahmood-Akim Choudhury, and Mahmood-Mohammed, all of whom are Mahmood's neighbors at the Hamtramck address.

The witnesses who testified as neighbors to Mahmood in Troy simply did not provide any meaningful evidence. Mahmood's tenant, Alghazali, testified that he lives in a second-story unit at Mahmood's address in Hamtramck. He testified that Mahmood comes to the residence a few times a week, and he sees Mahmood's car, a BMW, parked at the residence on some weekends, either Saturday or Sunday. Mr. Alghazali was not a credible witness. He refused to answer various questions, and was vague about certain information, such as his work hours which he ultimately testified were significant, which considerably undermined his credibility.

Ms. Ziegler testified that she reviewed cell phone data for 2023, 2024, and January to mid-June 2025 with respect to a phone connected with Mahmood. She stated that her analysis showed that in 2024, the majority of the phone's "sleep hours" – i.e., the time period when there was no outgoing activity – were in Troy. For January – mid-June 2025, the majority of the phone's sleep hours were in Hamtramck. Ms. Ziegler said she could only analyze where the phone was located – she could not determine who had the phone in their possession at any given time. She did not break down the data by days, weeks, or months. Christopher Kurish described his investigation of Mahmood's residency, which included reviewing public records, speaking with neighbors at both residences, reviewing cell phone records, and viewing flock camera video for a 30-day period from May to June, 2025, which did not reveal any of Mahmood's vehicles in either city with any significance. Sgt. Kurish testified that charges were denied as to Mahmood's alleged filing of a fraudulent AOI because Mahmood's residency could not be invalidated. Sgt. Kurish could not draw a conclusion as to Mahmood's residence after his investigation. David Adamczyk testified regarding the residency investigation he conducted while working for the Hamtramck Police Department. He described visiting Mahmood's Hamtramck address, and stated that there was not much food there, and Mahmood did not have many clothes there. Adamczyk also stated that the

living room was set up as an office and was not conducive to living there. Adamczyk stated that he was fired from Hamtramck PD for time card fraud.

Muhith Mahmood testified in support of his residency in Hamtramck, stating that his family has lived in Troy since 2013. He has a wife and 3 children, 2 of whom attend college. He testified that he moved to Hamtramck in 2019/2020 when he was elected to city council. His family did not want to move, but are supportive of his desire to be involved in politics. For the last 5 years, he has worked at MGM in their restaurant working from 4 p.m.-12 a.m., Wednesday to Sunday. He testified he sleeps in Troy on Mondays overnight and comes back to his Hamtramck house on Tuesday evening to start his work week. He testified that he sleeps 4-5 nights in Hamtramck and the rest of the time in Troy. He has no vehicle or vehicle insurance in his name, but has access to various vehicles.

Adam Alharbi testified that he works from home and when he leaves his house, 3-4 times per week, he passes Mahmood's house and does not see his cars there or his lights on. He stated that he is familiar with Mahmood's cars because he also sees them at city council meetings.

Alternatively, Mahmood's Hamtramck neighbors all testified that they know him well and have frequently visited him in his Hamtramck home. They were able to describe the interior of his home in significant detail. In addition, they described seeing Mahmood in public around Hamtramck. Mr. Ahad testified that Mahmood's wife's parents live across the street and he has seen Mahmood's wife and kids there often, mostly on weekends, at night, and on holidays.

After hearing the testimony of witnesses and reviewing all the documentary evidence, the Court finds that Mahmood meets the residency requirement to hold elective office as Mayor. It is also clear, Mr. Mahmood owns other residences in various cities and his wife and children primarily live in Troy. That fact does not stop him from holding elective office. Mahmood and

his neighbors in Hamtramck provided the most credible testimony with respect to residency. The other witnesses either could not provide complete information to support conclusive findings (such as Ms. Ziegler and Sgt. Kurish), or provided testimony that was speculative and/or lacking credibility (such as Mr. Alghazali and Alharbi). For example, Adamczyk offered evidence regarding how much food or the use of space supported residency (or the lack of residency). However, these are fairly subjective factors. If Mahmood were eating all of his meals out and sleeping on a couch in Hamtramck 4 days a week, with two sets of clothes, he would nevertheless meet the residency requirements to hold office. Similarly, Adamczyk's evidence regarding water use actually supported Mahmood's description of his residency in Hamtramck. Moreover, the Court finds it significant that after undertaking an extremely thorough investigation, which included visiting Mahmood at the Hamtramck residence and surveilling him, did not reveal evidence that supported charges against him, indicating that there was insufficient evidence that he resided in Troy rather than Hamtramck. While several of the witnesses testified as to seeing or not seeing particular vehicles as evidence, the evidence indicated that Mahmood drives various different vehicles, which are not registered in his name. Further, Alharbi's never ceasing declaration that "everyone knows Mahmood doesn't live in Hamtramck" was not born out by the evidence presented.

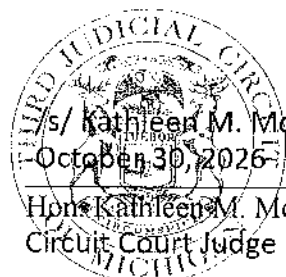
Conclusion

In conclusion, even assuming Alharbi's quo warranto action was properly filed, which it wasn't, the Court finds that the evidence presented establishes that Mahmood meets the residency requirements to serve as mayor of Hamtramck. As Mahmood's counsel noted, Alharbi acknowledged questioning Mahmood's residency in April of 2025, but he took no legal action at that time. That said, the Hamtramck City Clerk and City Council investigated the issue, and did

not find cause to act to have Mahmood removed from the ballot. Mr. Mahmood's residency was also not properly challenged with the Board of Canvassers and the Wayne County Prosecutor, who referred the matter to the Washtenaw County Prosecutor failed to act. With all ballots counted, the voters of Hamtramck have spoken. Counsel for Hamtramck noted the importance of resolution and moving forward for the best interest of Hamtramck residents. The Court agrees, and offers this quote attributed to Indira Ghandi: "Peace is difficult to obtain with clenched fists." Given the out-sized allegations of corruption and misconduct surrounding the election and extensive investigations and litigation related to it, one would never guess that the mayoral position pays \$6,500 per year, and the City of Hamtramck is 2.2 miles in length. For the sake of its residents, the fighting needs to stop so that Hamtramck can heal and move forward. Mr. Alharbi as been given over 1.5 years to find traction to his generalized statement to this Court and the public that "everyone knows he (Mahmood) doesn't live in Hamtramck" yet after extreme delay, exhaustive efforts, entrenched litigation and the votes having been counted, he has significantly failed to meet his burden.

Based on the foregoing, IT IS HEREBY ORDERED that Defendant Mahmood's motion for summary disposition pursuant to MCR 2.116(C)(8) is GRANTED. IT IS FURTHER ORDERED that, based on its findings of fact following the evidentiary hearing on residency, Plaintiff Alharbi's quo warranto claim lacks merit and is DENIED. IT IS FURTHER ORDERED that the Wayne County Board of Elections is to certify the ballots.

This resolves the last pending matter and closes the case.

s/ Kathleen M. McCarthy
October 30, 2025
Hon. Kathleen M. McCarthy
Circuit Court Judge