IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Mitchell D Pugh v Department of Corrections**
Docket No. **260183**
L.C. No. **03-008373-AA**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed January 11, 2005, is DISMISSED for lack of jurisdiction because appellant failed to file the application within 12 months of the date of entry for the January 9, 2004 order as required by MCR 7.205(F)(3)(b). Under *Walker-Bey v Department of Corrections,* 222 Mich App 605 (1997) the application was not filed until received by the Court of Appeals.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 25 2005
Date

Sandra Schultz Mengel
Chief Clerk