IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Vaughn Wayne Monroe v Larry Deniston**
Docket No. **261744**
L.C. No. **03-001821 NO**

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

The claim of appeal filed March 31, 2005, is DISMISSED for lack of jurisdiction because appellant failed to file the claim within 14 days of the September 2004 service of the July 30, 2004, final order as required by MCR 7.204(A)(3). MCR 7.204(A)(3) does not permit the untimely filing of a motion for reconsideration in the trial court after service of the order. The only option under MCR 7.204(A)(3) is to file the claim of appeal with this Court within 14 days of the service of the order. Under MCR 7.204(A)(1)(b) this claim of appeal is untimely because the motion for reconsideration was not filed within 21 days of the July 30, 2004, entry of the final order. There is no provision within MCR 7.204(A)(1)(b) that permits the untimely filing of a motion for reconsideration.

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

MAY 31 2005
Date

Sandra Schultz Mengel
Chief Clerk