IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Michael Gianfortuna**
Docket No. **261787**
L.C. No. **86-007602-FH**

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 is DISMISSED for lack of jurisdiction because defendant may not appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Regardless of the title placed on the last motion filed in the trial court, that motion constituted a motion for relief from judgment. See MCR 6.501 and MCR 6.429(B)(4).

STATE OF MICHIGAN COURT OF APPEALS

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

MAY 20 2005
Date

Sandra Schultz Mengel
Chief Clerk