IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Robert Neal Bisgeier**
Docket No. **266882**
L.C. No. **2003-191040-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 from the April 29, 2004 judgment of sentence is DISMISSED because appellant failed to file the application within the time period required by MCR 7.205(F)(3) and none of the exceptions found at MCR 7.205(F)(4) apply. When an appellant files a motion for reconsideration challenging an order that denied a timely postjudgment motion, the second motion does not toll the time that the appellant has to file a delayed application for leave to appeal if the 12-month appellate has already expired. *People v Rusiecki,* 461 Mich 947, 948; 607 NW2d 357 (2000).

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

JAN 18 2006
Date

Sandra Schultz Mengel
Chief Clerk