Court of Appeals, State of Michigan

ORDER

In re Joseph Alexander Erik Phelps, Minor

Docket No. 267543

LC No. 05-050943-NA

Janet T. Neff
Presiding Judge

David H. Sawyer

Michael R. Smolenski
Judges

The Court orders that the motion to withdraw as counsel pursuant to MCR 7.211(C)(5) is GRANTED because the Court finds, after full examination of all proceedings, that the appeal is wholly frivolous.

The order terminating respondent-appellant's parental rights is AFFIRMED. Withdrawing counsel shall mail by first-class mail to respondent-appellant within 14 days of the date of this order a copy of this order and the transcript and file proof of that service with the Clerk of this Court as required by MCR 7.211(C)(5)(c). Counsel is hereby notified that this Court may vacate this order granting the motion to withdraw if counsel fails to serve the transcript on respondent-appellant.

The final judgment of affirmance will be stayed for a period of 28 days after service of a copy of the transcript on the respondent-appellant. Within that period respondent-appellant may, if he so desires, file a written communication with this Court, raising any issue or questions that he wishes this Court to consider. The communication will be treated by this Court as an application for rehearing.

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

APR 27 2006
Date

Sandra Schultz Mengel
Chief Clerk