Court of Appeals, State of Michigan

ORDER

Terry Dixon v John F Royal

Docket No. 267882

LC No. 04-432683-NM

Michael R. Smolenski
Presiding Judge

Henry William Saad

Peter D. O'Connell
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED as meritless. First, appellant failed to provide this Court with any authority that it erred by dismissing his premature claim. This Court will not search for authority to support a party's position on appeal. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). Regarding the collection of the fees before this Court dismissed the appeal, state law requires this Court to collect an initial, partial filing fee, which may be the entire entry fee and all motion fees, before the Court may even accept a civil pleading from a prisoner for filing. MCL 600.2963(1) and 600.2963(2). The February 22, 2006 order denying the motion to waive fees put appellant on notice of this requirement, and he accepted it by paying the fee. Moreover, the payment of fees only ensures a decision on the pleadings, albeit may be one that the appellant does not want. Last, appellant's reliance upon case law from the United States Supreme Court to support his argument that this Court must treat him differently since he is a prisoner is misplaced as the cases in question concern the application of federal procedural rules, not state rules such as ours.

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

MAY - 2 2006
Date

Sandra Schultz Mengel
Chief Clerk