

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People v Shawn Demetrius Bragg Ross**

Docket No. **299837**

L.C. No. **03-004207-FH**

Joel P. Hoekstra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the prisoner account statement shows the ability to pay.

Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the reduced entry fee in the sum of \$36.00. Failure to comply with this order will result in the dismissal of the appeal.

Defendant argues that his entire fee should be waived pursuant to MCR 7.319(h) and MCL 600.2963. However, MCR 7.319(h) is inapplicable as it is addressed to filing fees in our Supreme Court, and besides, merely permits a party to move for waiver of fees; it does not mandate that the fee be waived. Further, although defendant is correct that MCL 600.2963 requires fees for prisoners filing civil appeals, that statute is not the authority on which the filing fee is required for this delayed application for leave to appeal. That authority is MCL 600.321(1)(a).



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

OCT 08 2010  
Date

Sandra Schultz Mengel  
Chief Clerk