

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michael T West v New Merchant Food Center**

Docket No. **300663**

L.C. No. **09-022588-CD**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the September 28, 2010 order requiring appellant to post a \$10,000 surety bond to continue with litigation against appellees is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). At this time, appellant may seek to appeal the September 28, 2010 order only by filing a delayed application for leave to appeal under MCR 7.205(F).

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 02 2011

Date


Chief Clerk