

Amended

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Clinton Lee Cheeks v Gus Harrison Correctional Facility Warden**
Docket No. **304675**
L.C. No. **11-004082-AH**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees.

Within 21 days of the certification of this order, plaintiff shall submit a copy of this order **and shall refile the pleadings which are being returned with this order.** Notably, plaintiff has already provided a check for \$29.19 as the required initial partial filing fee. If plaintiff timely refiles the pleadings, plaintiff may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. MCL 600.2963(8). Further, upon plaintiff's refiling of the pleadings, the Clerk's Office of this Court shall appropriately process the \$29.19 check provided by plaintiff for deposit as the initial partial filing fee.

Failure to comply with this order shall result in the original complaint not being filed in this Court and plaintiff not being responsible for paying the filing fee. Accordingly, if plaintiff does not return the pleadings as required by this order, the Clerk's Office of this Court shall return the \$29.19 check he provided to him.

If plaintiff timely files refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **\$345.81**. This amount shall then be remitted to this Court. Again, plaintiff may not file either a new civil appeal or an original action until plaintiff pays the entire outstanding balance due. MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



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

JUL 12 2011

Date


Chief Clerk