

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michael M Blair v G Robert Cotton Correctional Facility Warden**
Docket No. **305279**
L.C. No. **10-047472-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.

Plaintiff has provided a \$40 check in payment of an initial partial filing fee with the filing of his original complaint, which exceeds the statutorily required initial partial filing fee. MCL 600.2963(3). Accordingly, to proceed with this original action, within 21 days of the certification of this order, plaintiff **shall refile the pleadings which are being returned with this order.** 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). 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. Further, if plaintiff does not refile the returned pleadings, the Clerk's Office shall return the \$40 check he provided to him.

If plaintiff timely 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 **\$335**. 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

AUG 09 2011

Date


Chief Clerk