

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **In re Parks**  
Docket No. **306110**  
L.C. No. **06-000900-FH**

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

Plaintiff's correspondence received by the Clerk's Office on October 7, 2011 is treated as a motion for reconsideration of this Court's order entered September 21, 2011, and the motion for reconsideration is GRANTED. The September 21, 2011 order is VACATED.

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 is not required to pay an initial partial fee. Further, plaintiff has already refiled the pleadings that were previously returned to him. However, for this complaint to be filed, **plaintiff shall submit a copy of this order and a written statement that he wishes to proceed with this original action to the Clerk of this Court within 21 days.** By doing this, plaintiff becomes responsible for paying the \$375 filing fee and 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 complaint not being filed in this Court and plaintiff not being responsible for paying the filing fee.

If plaintiff timely submits a copy of this order and the indicated written statement, 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 **\$375**. 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).

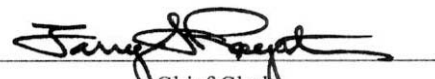
The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



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

NOV 23 2011

Date

  
Chief Clerk