

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v James Penny**
Docket No. **307301**
L.C. No. **92-005564-01-FC**

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 June 30, 2011, order denying a motion for relief from judgment under MCR 6.500 *et seq.* is not appealable of right. MCR 7.202(6)(b); MCR 7.203(A)(1). An appeal from an order denying a motion for relief from judgment under MCR 6.500 *et seq.* must come by application for leave to appeal filed pursuant to MCR 7.205. MCR 6.509(A).

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



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

JAN 11 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk