IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Anthony Sinclair v Robert Agacinski**
Docket No. **308965**
L.C. No. **11-011989-AH**

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

The motion for reconsideration is DENIED. The holding in *Kincade v Kentucky*, 117 F3d 949 (CA 6, 1997), that the filing fee provisions of a federal statute as to actions filed in a federal court do not apply to habeas corpus petitions is immaterial to this matter. Rather, MCL 600.321(1)(a) requires payment of a $375 fee for filing an original proceeding in this Court with no exception for an original complaint for habeas corpus.

To proceed with this case, plaintiff shall pay the $8 initial partial filing fee and refile his initially-filed pleadings as required by this Court's April 26, 2012 order within 14 days of the date of this order. If plaintiff does so, this case shall proceed and he will be liable for eventual payment of the remainder of the $375 entry fee through deductions from his prisoner account in accordance with the April 26, 2012 order. In this regard, the Clerk's Office is directed to disregard any statement provided with payment of the $8 initial partial filing fee or refling of the pleadings that purports to disavow responsibility for payment of the remainder of the $375 entry fee and any such statement will not preclude responsibility for payment of the remaining $367. If plaintiff fails to pay the $8 initial partial filing fee or refile his initially-filed pleadings, the Clerk's Office shall close-out this file which will then be treated as if plaintiff had never filed this case and he will not be responsible for payment of an entry fee.

COURT OF APPEALS OF THE STATE OF MICHIGAN
E PLURIBUS UNUM
TUEBOR
SI QUAERIS PENINSULAM AMOENAM
CIRCUMSPICE
1965

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

JUN 08 2012
Date

Chief Clerk