IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Frederick H Grumbley v Governor**
Docket No. **311171**
L.C. No. **12-000082-CZ**

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

The Court orders that the motion for reconsideration is GRANTED and this Court's August 13, 2012 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.204(B)(2) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Appellant is not required to pay an initial partial fee. However, for this appeal to be filed, **appellant shall submit a copy of this order and refile the initially-filed pleadings that have already been returned to him within 21 days of the certification of this order**. By doing this, appellant 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 appellant pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If appellant 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 appellant's account until the payments equal the balance due of **$375**. This amount shall then be remitted to this Court. Again, appellant may not file either a new civil appeal or an original action until appellant pays the entire outstanding balance due. MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to appellant.

COURT OF APPEALS OF THE STATE OF MICHIGAN
TUEBOR
CIRCUMSPICE
1965

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

SEP 19 2012
Date

Chief Clerk