

Court of Appeals, State of Michigan

ORDER

Frederick H Grumbley v Governor

Docket No. **311171**

LC No. **12-000082-CZ**

Amy Ronayne Krause, Judge, acting under MCR 7.211(E)(2), orders:


Appellant's motion captioned as a motion to amend this Court's September 19, 2012 order is treated as a motion to clarify that order and is GRANTED. The relevant language of the September 19, 2012 order merely serves to inform appellant of the content of MCL 600.2963(8), not to preclude him from filing a new civil case in this Court in circumstances in which application of MCL 600.2963(8) to preclude him from doing so would be unconstitutional. Notably, under *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961), application of MCL 600.2963(8) to preclude appellant from filing in this Court an original complaint for habeas corpus seeking release from imprisonment based on outstanding fees being owed to this Court in the present case would be unconstitutional if he is unable to pay those outstanding fees.



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

FEB 15 2013

Date



Chief Clerk