

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Randy Berkshire v Department of Corrections**
Docket No. **314467**
L.C. No. **12-000277-AA**

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

Appellant's motion filed February 20, 2013 and captioned as a motion to suspend/waive initial partial filing fee until further order of this Court is recognized as a motion for reconsideration of this Court's February 1, 2013 order, and that motion is GRANTED. Accordingly, the February 1, 2013 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.205(B)(7) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. However, appellant's request pursuant to MCL 600.2963(7) to proceed without being required to pay an initial partial filing fee is GRANTED. Further, appellant has clearly manifested his intent to proceed with this appeal by refiling his returned pleadings and requesting waiver of an initial partial filing fee. Thus, appellant is responsible for paying the \$375 filing fee through deductions from his prisoner account pursuant to MCL 600.2963(5) 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).

Accordingly, 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).



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

MAR 08 2013

Date


Chief Clerk