

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Rico Menefee v Department of Corrections**  
Docket No. **315557**  
L.C. No. **13-000010-MP**

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

The motion for reconsideration is GRANTED, and the April 19, 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. Appellant is not required to pay an initial partial fee. MCL 600.2963(7). Further, appellant has already refiled the pleadings returned to him. However, for this appeal to be filed, **appellant shall submit a copy of this order and a signed statement that he wishes to proceed with this appeal.** 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 provides the signed statement required by this order, 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. In this regard, MCL 600.2963(5) requires such monthly payments. Thus, this Court cannot honor appellant's request to suspend fees until the conclusion of this case. 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.



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

MAY 24 2013

Date

  
Chief Clerk