

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In re Stobaugh**
Docket No. **315887**
L.C. No. **08-009384-FH**

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

The motion for reconsideration is GRANTED to the extent that the Court's May 10, 2013 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Plaintiff is not required to pay an initial partial fee. MCL 600.2963(7). However, for this complaint to be filed, plaintiff 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, plaintiff 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 plaintiff pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the complaint not being filed in this Court and plaintiff not being responsible for paying the filing fee.

If plaintiff 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 plaintiff's account until the payments equal the balance due of \$375. This amount shall then be remitted to this Court. In this regard, plaintiff's request to delay payment until after he is released from prison cannot be honored because such monthly deductions from his prisoner account would be required by MCL 600.2963(5). Again, plaintiff may not file either a new civil appeal or an original action until plaintiff pays the entire outstanding balance due. MCL 600.2963(8). It is also inappropriate for this Court to give advice about the relief that might potentially be obtained in this original action in the context of deciding the subject motion for reconsideration and motion to waive fees.

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



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

MAY 24 2013

Date


Chief Clerk