

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Steven A Odom v Jo-Mar Realty Corp**

Docket No. **316056**

L.C. No. **11-001052-CZ**

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

The Court orders that the motion for reconsideration is DENIED. However, on the Court's own motion, the June 11, 2013 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. Further, because "the fact of a prisoner's incarceration cannot be the sole basis for a determination of indigency," MCL 600.2963(7), appellant is not entitled to be considered indigent and entitled to proceed with payment of only an initial partial filing fee based on his prisoner account statement where it appears that he has effective control of \$2,637.16 paid to his mother on his behalf as settlement proceeds in this case.

Thus, to proceed with this appeal, within 21 days of the certification of this order, appellant shall pay to the Clerk of the Court the entry fee of \$375. Additionally, **appellant shall submit a copy of this order and refile the initially-filed pleadings that have already been returned to him.** Failure to comply with this order will result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

The Clerk of this Court shall furnish two copies of this order to appellant and return appellant's pleadings with this order.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUL 17 2013

Date

Jerome W. Zimmer Jr.
Chief Clerk