

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Phillip A Jackson v Department of Corrections**

Docket No. **317117**

L.C. No. **00-000000**

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

The motion to waive fees is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. A civil case involving an appeal from an administrative agency decision is a civil action. Further, MCL 600.2963 is not unconstitutional under *McDougall v Schanz*, 461 Mich 15; 597 NW 2d 148 (1999), because it serves policy considerations beyond "the orderly dispatch of judicial business. *Id.*, 30-31. Particularly, it limits the burdens imposed on opposing parties if prisoners were free to bring litigation that is likely to often be frivolous without being liable for any filing fees or facing restrictions on the number of civil cases that could be brought. Also, appellant has not shown that MCL 600.2963 violates the federal and state equal protection clauses by precluding him from pursuing this appeal where his prisoner account statement shows a current balance considerably in excess of the initial partial filing fee required by this order and he is free to file a motion for reconsideration of this order if he is now unable to pay the required initial partial filing fee.

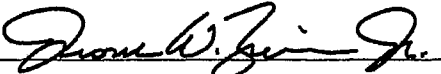
Within 21 days of the certification of this order, appellant shall pay to the Clerk of the Court the initial partial filing fee of **\$27**, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order.** If appellant timely files the partial fee and refiles the pleadings, appellant 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 files the partial fee and refiles the pleadings, 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 **\$348**. This amount shall then be remitted to this Court. 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

OCT 25 2013

Date


Chief Clerk