

Court of Appeals, State of Michigan

ORDER

In re Harvey

Docket No. **317664**

LC No. **08-023862-FC**

William B. Murphy, Chief Judge, acting under MCR 7.201(B)(3), orders:

The original complaint is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). The Clerk of this Court provided notice regarding the nature of the defects in this filing, and the defects were not corrected in a timely manner by providing this Court with the entry fee of \$375 or five copies of a motion to waive fees and a copy of plaintiff's prisoner account statement for the prior 12 months; five copies of a supporting brief for the complaint; four more copies of the complaint; and proof of service of the complaint on defendant Genesee Circuit Court Judge and the prosecution in the underlying criminal case. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

Notably, contrary to plaintiff's assertion in his correspondence received on September 5, 2013, the present original complaint would not have been sensibly docketed in *People of MI v Clifford O'Neil Harvey*, Docket No. 316259, the Court of Appeals file for the delayed application for leave to appeal filed on plaintiff's behalf in a criminal case in which he is the defendant. Rather, as an original action under MCR 7.206, the present case was properly assigned a new Court of Appeals docket number.



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

SEP 20 2013

Date


Chief Clerk