

Court of Appeals, State of Michigan

ORDER

Michael Ward v Bellamy Creek Correctional Facility Warden

Docket No. **317857**

LC No. **13-017546-AH**

William B. Murphy, Chief Judge, acting under MCR 7.211(E), orders:

On the Court's own motion, the claim of appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the subject claim of appeal even though he owes outstanding balances to this Court for multiple prior civil cases filed in this Court while appellant was under the Department's jurisdiction. A prisoner who is under the Department's jurisdiction generally cannot file another civil appeal or original action until the prisoner pays the outstanding balance owed in an earlier civil appeal or original action filed while under the Department's jurisdiction. MCL 600.2963(8). This order is not contrary to *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961), because appellant is being allowed to proceed with his original action seeking habeas corpus relief as to the same matter in Court of Appeals Docket No. 318723.



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

NOV 25 2013

Date


Chief Clerk