

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Deon Coleman v Department of Corrections/Director**  
Docket No. **318794**  
L.C. No. **00-000000**

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

Plaintiff's objection to the December 10, 2013 order filed on December 18, 2013 is treated as a motion for reconsideration of that order, and the motion is GRANTED. The December 10, 2013 order is VACATED. While 28 USC 1915 has no applicability to this state court case it is appropriate to dispense with an initial partial filing fee under MCL 600.2963(7) based on plaintiff's indication of a lack of funds and that he has lost his institutional job.

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. However, plaintiff is not required to pay an initial partial fee. Rather, for this complaint to be filed, **plaintiff shall submit a copy of this order and refile the initially-filed pleadings which 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. 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).

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



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

DEC 30 2013

Date

  
Chief Clerk