

Court of Appeals, State of Michigan

ORDER

Donald Kerr v Robert Bennett

Docket No. **321715**

LC No. **13-019187-CZ**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED. Because Medicare coverage based on a disability is not means-tested it cannot reasonably be considered to constitute “public assistance” for purposes of MCR 2.002(C). Rather, considered in the context of MCR 2.002, “public assistance” as used in MCR 2.002(C) must reasonably be considered to be a term of art for government assistance that is based at least in part on financial need. See *Lewis v Department of Corrections*, 232 Mich App 575, 579; 591 NW2d 379 (1998) (discussing MCR 2.002 as authorizing a procedure “to relieve an indigent person of his obligation to pay filing fees”).

Within 21 days of the Clerk’s certification of this order, appellant shall pay to the Clerk of the Court the entry fee of \$375. Alternatively, appellant may within the 21-day period allowed by MCR 7.215(I)(1), file a motion for reconsideration of this order with particularized information about his financial circumstances if he believes that he may qualify for a fee waiver based on MCR 2.002(D) or stating any form of actual public assistance for purposes of MCR 2.002(C) that he may receive. Failure to comply with this order will result in the dismissal of the appeal.



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

MAY 14 2014

Date

A handwritten signature in dark ink, appearing to read "Jerome W. Zimmer Jr.", is written over a horizontal line.

Chief Clerk