

Court of Appeals, State of Michigan

ORDER

Apollo Johnson v Department of Corrections/Director

Docket No. 321888

LC No. 13-001071-AA

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

On the Court's own motion, the delayed application for leave to appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed this appeal even though he owes an outstanding balance in *Apollo D Johnson v Department of Corrections*, Docket No. 321383. A prisoner who is under the Department's jurisdiction 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). The motion to waive fees is also DISMISSED as moot.

The motion filed on June 6, 2014 and captioned as a motion for relief from an order or judgment is DENIED. Appellant's conclusory assertion that MCL 600.2963(8) is unconstitutional is not a sufficient basis to support such a holding. *Ewald v Ewald*, 292 Mich App 706, 726; 810 NW2d 396 (2011). Further, MCL 600.2963(8) must prevail over MCR 2.002(D) because MCL 600.2963(8) manifestly involves a policy consideration beyond the orderly dispatch of judicial business, particularly a policy of deterring often frivolous litigation by prisoners that imposes burdens on opposing parties.



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

JUN 27 2014

Date


Chief Clerk