

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Robert L Dykes-Bey v Department of Corrections**

Docket No. **321982**

L.C. No. **13-001348-AA**

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

The Court orders that the motion for reconsideration is GRANTED, and the June 27, 2014 order is VACATED.

On reconsideration, the motion to waive fees pursuant to MCR 7.202(4) and MCR 7.204(B)(2) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Appellant is not required to pay an initial partial fee. MCL 600.2963(7). However, for this appeal to be filed, **appellant shall submit a copy of this order and a signed statement that he wishes to proceed with this appeal within 21 days of the date of this order.** By doing this, appellant 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 appellant pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If appellant timely submits a copy of this order and the indicated signed statement, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of **\$375**. This amount shall then be remitted to this Court. Again, appellant may not file either a new civil appeal or an original action until appellant pays the entire outstanding balance due. MCL 600.2963(8).

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



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

**JUL 31 2014**

Date

  
Chief Clerk