

Court of Appeals, State of Michigan

ORDER

Timothy Kyle Thompson v Oakland Circuit Court

Docket No. **322228**

LC No. **2009-229106-FH**

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.

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 filing fee. MCL 600.2963(7). Further, plaintiff has manifested his intent to proceed with this case in his motion for reconsideration, recognizing that doing so will make him liable for eventual payment of the \$375 entry fee, and has already returned his refiled pleadings. Thus, he has effectively complied with the requirements of MCL 600.2963(1) for this case to proceed. Accordingly, this case will proceed in this Court.

Additionally, in accordance with MCL 600.2963, 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. The Court notes that MCL 600.2963(8) indicates that plaintiff 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.



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

AUG 08 2014

Date


Chief Clerk