

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Michael Christopher Williams v Saginaw Corr Facility Warden**  
Docket No. **324286**  
L.C. No. **14-023283-AH**

William B. Murphy, Chief Judge, acting under MCR 7.211(E)(2), orders:

Initially, it is recognized that application of MCL 600.2963(8) would bar plaintiff from proceeding with this case based on the outstanding fee he owes in *Michael C Williams v Muskegon Correctional Facility Warden*, Docket No. 312827. However, application of MCL 600.2963(8) to bar plaintiff from proceeding with his complaint for habeas corpus would violate the Equal Protection Clause of the Fourteenth Amendment where it appears that he is unable to pay that outstanding fee. *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961).

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. For this complaint to be filed, **plaintiff shall submit a copy of this order and refile the pleadings within 21 days of the certification of this order**. If plaintiff does so, the \$5 money order provided with plaintiff's initial filing shall be processed and retained by this Court. By refiling his pleadings, plaintiff becomes responsible for paying the \$370 remainder of the 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 \$370. 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). If plaintiff does not refile his pleadings this file shall be closed out and the Clerk's Office shall return the \$5 money order to plaintiff.

The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



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

DEC 10 2014

Date

  
Chief Clerk