

**Court of Appeals, State of Michigan**

**ORDER**

**Trista Viehman v Robert Plaster**

Docket No.   **328976**

LC No.       **00-000357-DP**

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Michael J. Talbot, Chief Judge, acting under MCR 7.211(E), orders:

On the Court's own motion, the application for leave to appeal is **DISMISSED** because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the application even though he owes an outstanding balance in *Kami Plaster v Robert Eugene Plaster*, Docket Number 327389. 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 filed with the initial filing of the application is also **DISMISSED** as moot.

The motion to proceed in forma pauperis filed on September 11, 2015 is **DENIED** because 28 USC 1915 applies to federal court proceedings and, thus, has no applicability to proceedings in this state court.



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

**SEP 30 2015**

Date

Chief Clerk