

Court of Appeals, State of Michigan

ORDER

Charles Lamont Smiles v Donald A Johnston III

Docket No. **329323**

LC No. **13-049160-AH**

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

On the Court's own motion, the claim of appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the claim of appeal even though he owes an outstanding balance in *Charles Lamont Smiles v Dept of Corrections*, Docket Number 293427, a prior civil case he filed in this Court while a prisoner of the Department. 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). In this regard, while this Court received a partial payment toward the outstanding balance in Docket Number 293427 on October 5, 2015, that does not change the fact that appellant still owes an outstanding balance in that Court of Appeals file.

The motion to waive fees is also DISMISSED as moot.



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

OCT 28 2015

Date


Chief Clerk