

Court of Appeals, State of Michigan

ORDER

Walter Lee Jones Bey v Carla Badger

Docket No. **329462**

LC No. **15-000159-MP**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.211(E), orders:

On the Court's own motion, the delayed application for leave to appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the delayed application even though he owes an outstanding balance in *Walter Lee Jones Bey v Carla Badger*, Docket No. 326333, 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). Any relationship between the present appeal and the prior appeal in Docket Number 326333 does not change the fact that this appeal is a new appeal or provide legal grounds to justify disregarding MCL 600.2963(8). While barring this appeal based on the outstanding fee owed in Docket Number 326333 may be a harsh result it is required by MCL 600.2963(8).

The motion to waive fees is also DISMISSED as moot.



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

DEC 11 2015

Date


Chief Clerk