

Court of Appeals, State of Michigan

ORDER

In re Whittaker

Docket No. **330278**

LC No. **05-007110**

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

On the Court's own motion, the original complaint for superintending control is DISMISSED because plaintiff, a prisoner under the jurisdiction of the Department of Corrections, filed the original complaint even though he owes an outstanding balance in *Nigel Lee Whittaker v Wayne Circuit Judge*, Docket Number 284139, 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).

The motion to waive fees is also DISMISSED as moot.



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

JAN - 6 2016

Date


Chief Clerk