

Court of Appeals, State of Michigan

ORDER

Anthony Edward Ciavone v Sanford Schulman

Docket No. 331475

LC No. 15-008054-NM

David H. Sawyer
Presiding Judge

Joel P. Hoekstra

Colleen A. O'Brien
Judges

The Court orders that the motion to accept appeal by right filed on March 9, 2016 is recognized as actually constituting a motion for reconsideration of this Court's March 1, 2016 order dismissing this appeal for lack of jurisdiction. That motion is DENIED. The prison mailbox rule of MCR 7.204(A)(2)(e) only applies to criminal cases and, thus, has no applicability to this civil case. Further, accepting for present purposes that appellant was not timely served with a copy of the order appealed from, he did not avail himself of the procedure under MCR 7.204(A)(3) to file a claim of appeal with this Court within 14 days of service of that order. Thus, he has not established that he was denied any First Amendment right of access to this Court.

The second motion for reconsideration of the March 1, 2016 order filed on March 15, 2016 is also DENIED for the same reasons.

Further, the Clerk's Office is directed to return to appellant the previously returned pleadings in Docket Number 331220 that appellant has improperly attempted to refile under the present Court of Appeals Docket Number. If appellant wishes to proceed with the application for leave to appeal in Docket Number 331220, within 21 days of the date of this order, he should refile those returned pleadings in that file and provide payment of the \$23 remainder of the initial partial filing fee for that file as required by the February 29, 2016 fee order in that file. In this regard, any resubmission of the returned papers to this Court will be treated as appellant refiling those papers in Docket Number 331220.



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

MAY 10 2016

Date


Chief Clerk