

Court of Appeals, State of Michigan

ORDER

Harold Winfield Cage v Wayne Meekins

Docket No. **333257**

LC No. **15-026128-NO**

Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

In lieu of granting either of the two motions for temporary restraining order or the motion for an injunction the Clerk's Office is directed to send a copy of appellant's claim of appeal filing and a copy of his docketing statement to each appellee. Further, appellant may timely file his brief on appeal within 56 days of the date of this order. The Court ORDERS that, when appellant files his brief on appeal, in addition to the five copies required by the court rules, he shall file three additional copies to be mailed to the three appellees by the Clerk's Office. Also, if appellant files a reply brief to any appellee brief, in addition to the five copies required by the court rules, he shall file three additional copies to be mailed to the three appellees by the Clerk's Office. Similarly, if appellant files any additional motion in this appeal, in addition to providing the five copies required by the court rules, he shall file three additional copies to be mailed to the three appellees by the Clerk's Office. The date of service of any such brief or motion on appellees shall be the date of mailing to them by the Clerk's Office. The Court notes that it dispenses with the requirement for the three motions at issue to have been served on appellees because it appears manifest that the Department of Corrections would not allow appellant to mail items to appellees and, further, fundamental fairness requires that appellant be afforded a mechanism for service of his filings in this appeal on appellees, which is provided by this order, so that appellees cannot suffer any undue prejudice in this regard. MCR 7.216(A)(7).

The motion for unconditional appeal of right is DENIED as moot because no motion needs to be filed for an appellant to be allowed to file a claim of appeal. The Court dispenses with the requirement of service of this unnecessary motion on appellees. MCR 7.216(A)(7).



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

AUG 19 2016

Date


Chief Clerk