

**Court of Appeals, State of Michigan**

**ORDER**

**Mark Anthony Gooding v Department of Corrections**

Docket No. 333911

LC No. 16-000404-AA

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Michael J. Talbot, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion filed on September 8, 2016 is recognized as a motion for reconsideration of this Court's August 24, 2016 order and the motion for reconsideration is GRANTED. The August 24, 2016 order is VACATED. The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.204(B)(2) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees.

Within 21 days of the certification of this order, appellant shall pay to the Clerk of the Court the initial partial filing fee of \$1, shall submit a copy of this order with the payment, **and shall refile the pleadings which have already been returned to him.** MCL 600.2963(7). If appellant timely files the partial fee and refiles the pleadings, appellant may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or appellant pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If appellant timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of \$374. This amount shall then be remitted to this Court. Again, appellant may not file either a new civil appeal or an original action until appellant pays the entire outstanding balance due. MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to appellant



A true copy entered and \_\_\_\_\_ by \_\_\_\_\_, Chief Clerk, on

SEP 16 2016

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Clerk