

Court of Appeals, State of Michigan

ORDER

Daniel Peiffer v Central Michigan Correctional Facility Warden

Colleen A. O'Brien
Presiding Judge

Docket Nos. 339620; 340453

Mark T Boonstra

LC No. 17-000179-AH

Thomas C. Cameron
Judges

The Court orders that the motion for reconsideration in Court of Appeals Docket Number 339620 is GRANTED, and the September 15, 2017 order in that Court of Appeals file is VACATED. Further, the claim of appeal in that file is treated as a delayed application for leave to appeal and the delayed application is GRANTED. See, e.g., *Wardell v Hincka*, 297 Mich App 127, 133 n 1; 822 NW2d 278 (2012).

The briefs on appeal already filed in Docket Number 339620 shall be deemed timely filed. However, as to the motions returned to appellant on September 15, 2017, if appellant wishes to proceed with any of those motions, he would need to refile any such motion and provide payment of the appropriate motion fee unless he files a motion to waive fees.

In light of the relief provided in this order the file in Court of Appeals Docket Number 340453 is CLOSED. MCR 7.216(A)(7). Also, the Clerk's Office shall return or refund any payment provided by appellant as an entry fee for Docket Number 340453.



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

OCT 16 2017

Date

Chief Clerk