

# Court of Appeals, State of Michigan

## ORDER

**In re Anderson**

Docket No. **341762**

LC No. **2017-004333-AH**

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

The motion for reconsideration is DENIED. MCL 600.2963(7) was applied in the January 26, 2018 order to dispense with the requirement that plaintiff pay an initial partial filing fee to proceed with this case, but that provision does not allow waiver of liability for eventual payment of the overall filing fee from future deposits to plaintiff's prisoner account if he opts to proceed with this case. Also, there can be no possible violation of *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961), by the January 26, 2018 order where it allows plaintiff to proceed with this case without being required to pay an initial fee, so that he is not being prevented by present indigency from pursuing this case.

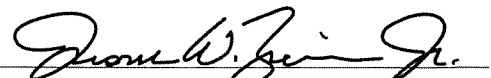
To proceed with this case plaintiff shall submit a signed statement that he wishes to proceed with this case to the Clerk's Office of this Court within 21 days after the date of this order. If plaintiff does so, this case shall proceed and the Clerk's Office shall notify the Department of Corrections to begin appropriate deductions from future deposits to plaintiff's prisoner account pursuant to the January 26, 2018 order. If plaintiff does not submit a signed statement of wishing to proceed with this appeal, his original complaint for superintending control will not be considered as being filed and he will not be responsible for paying the filing fee.



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

**MAR 08 2018**

Date

  
Chief Clerk