

Court of Appeals, State of Michigan

ORDER

Saad Akram Bahoda v Daniel J Rust

Docket No. 344314

LC No. 2017-002618-NM

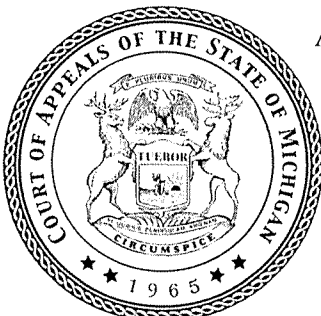
Deborah A. Servitto
Presiding Judge

Douglas B. Shapiro

Brock A. Swartzle
Judges

The Court orders that the motion for reconsideration is DENIED. The order appealed from was dated February 15, 2018. However, the trial court did not serve the order upon plaintiff-appellant until May 21, 2018. Therefore, assuming plaintiff-appellant had 21 days from May 21, 2018 to file a claim of appeal with this Court under MCR 7.204(A)(1), the 21-day period expired on June 11, 2018. Because plaintiff-appellant is representing himself on appeal and is currently incarcerated, the “prisoner mailbox rule” applies to this case. MCR 7.204(A)(2)(e). Under that rule, a claim shall be deemed presented for filing on the date of deposit of the claim in the outgoing mail at the correctional institution in which the inmate is housed. Although it does not appear that the claim was deposited in the outgoing mail until June 18, 2018, there is no dispute that plaintiff-appellant gave the claim of appeal to prison staff for mailing on June 15, 2018. Therefore, even if the claim of appeal was considered “filed” on June 15, 2018, it was still filed outside the 21-day time period which expired on June 11, 2018.

Because the claim of appeal was not timely filed, this Court lacks jurisdiction over this appeal. MCR 7.204(A)(1); MCR 7.204(A)(2)(e). Therefore, the motion for reconsideration is denied.



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

AUG 03 2018

Date


Chief Clerk