

Court of Appeals, State of Michigan

ORDER

James Michael Kenny v Department of Corrections/Director

Docket No. **348065**

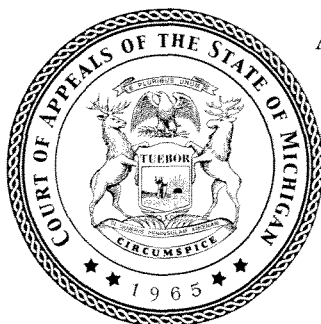
LC No. **00-000000**

Christopher M. Murray, Chief Judge, acting under MCR 7.211(E)(2), orders:

On the Court's own motion, the original complaint for mandamus is **DISMISSED** because plaintiff filed the subject original complaint for mandamus even though he owes an outstanding balance to this Court in *In re Kenny*, Docket Number 338573. A prisoner who is under the jurisdiction of the Department of Corrections cannot file another civil appeal or original action until the prisoner pays the outstanding balance owed in an earlier civil appeal or original action filed while under the Department's jurisdiction. MCL 600.2963(8).

The motion to waive fees is also **DISMISSED** as moot.

The amended motion to waive or suspend filing fee is **DENIED**. By its plain language, MCL 600.2963(8) is not limited in application to cases determined to be frivolous. See, e.g., *Ronnisch Constr Group, Inc v Lofts on the Nine, LLC*, 499 Mich 544, 552; 886 NW2d 113 (2016). Further, plaintiff's cursory assertion is insufficient to establish that application of MCL 600.2963(8) to bar him from proceeding with this case violates the federal or state constitutional right to equal protection of the laws. See, e.g., *Badiee v Brighton Area Schools*, 265 Mich App 343, 357; 695 NW2d 521 (2005).



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

APR 24 2019

Date

Chief Clerk