

Court of Appeals, State of Michigan

ORDER

Nathan Edwards v Lakeland Correctional Facility Warden

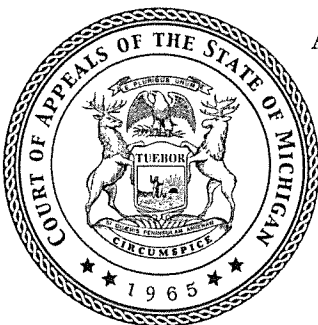
Docket No. **348444**

LC No. **18-060352-AW**

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

Appellant's "petition" submitted on May 20, 2019 is treated as a motion for reconsideration of this Court's May 13, 2019 order. The motion for reconsideration is DENIED. The May 13, 2019 order allows appellant to proceed merely by refileing his pleadings with any fee collection to be from *future* deposits to his prisoner account. Thus, the requirements of the May 13, 2019 order do not violate his right to pursue this appeal under *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961).

Appellant has refiled his returned pleadings. Under the circumstances, it is unclear if he wishes to proceed with this appeal in accordance with the requirements of the May 13, 2019 order. If appellant wishes to proceed with this appeal, he shall submit a signed written statement that he wishes to do so to the Clerk's Office of this Court within 21 days after the date of this order. If he does so, the Department of Corrections shall be advised to make appropriate deductions from appellant's prisoner account statement in accordance with the May 13, 2019 order. If such a signed statement is not submitted, the Clerk's Office shall close out this file and appellant will not be responsible for a filing fee. The Court notes that a signed statement submitted by appellant expressing a wish to continue with this appeal will result in the appeal proceeding and appellant being responsible for payment of the \$375 entry fee from deductions from future deposits to his prisoner account statement and that any attempt in such a statement to disavow responsibility for eventual payment of the filing fee will be disregarded.



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

JUN 11 2019

Date


Chief Clerk