

Court of Appeals, State of Michigan

ORDER

In re Johnson

Docket No. **350329**

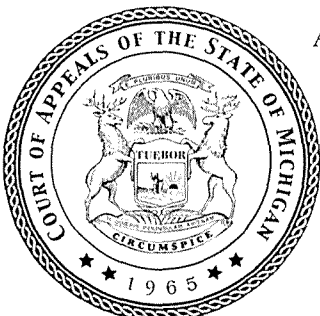
LC No. **00-000000**

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

On the Court's own motion, the original complaint for superintending control is DISMISSED because plaintiff, a prisoner under the jurisdiction of the Department of Corrections, filed the subject original complaint even though he owes outstanding balances to this Court for multiple prior cases filed in this Court while a prisoner of the Department of Corrections. Per statute, a prisoner who is under the Department's jurisdiction 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). *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961), is inapplicable because this is not a habeas corpus matter. Similarly, *In re Jackson*, 326 Mich App 629; 929 NW2d 798 (2018), is inapplicable because the underlying matter is a civil matter, not a criminal matter.

The motion to waive fees is also DISMISSED.

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



OCT 09 2019

Date


Chief Clerk