

Court of Appeals, State of Michigan

ORDER

In re Nixon

Docket No. **350705**

LC No. **00-000000**

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

Plaintiff's correspondence received on November 6, 2019 is treated as a motion for reconsideration of this Court's October 24, 2019 fee-related order, and the motion is DENIED. The present original complaint for superintending control constitutes a new civil action filed in this Court for purposes of Michigan procedural law and the fee obligations under MCL 600.2963 set forth in the October 24, 2019 order even if the original complaint relates to an underlying criminal case. MCR 3.301(A)(1)(a); *In re Jackson*, 326 Mich App 629, 639-640; 929 NW2d 798 (2018).

Under the circumstances, it is unclear if plaintiff wishes to proceed with this case with the attendant fee-related obligations under the October 24, 2019 order. If plaintiff wishes to proceed with this case he shall file a signed statement with this Court stating that he wishes to proceed with this case within 21 days after the date of this order. If plaintiff submits such a signed statement, this case will proceed and the Department of Corrections will be advised to begin appropriate deductions from plaintiff's prisoner account under the October 24, 2019 order. Any such signed statement of wishing to proceed with this case will result in the case proceeding and the fee-related requirements of the October 24, 2019 order being implemented regardless of any language in such a signed statement attempting to disavow the fee-related requirements. If plaintiff does not file a signed statement of wishing to continue with this case the original complaint for superintending control will be deemed as never having been filed in this Court and plaintiff will not be responsible for the filing fee.



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

NOV 15 2019

Date


Chief Clerk