

Court of Appeals, State of Michigan

ORDER

In re Ragland

Docket No. **350806**

LC No. **19-003138-AH**

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 this Court an outstanding balance in *Kevin Darnell Ragland v Kinross Correctional Facility Warden*, Docket Number 316916. 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).

The motion to waive fees is also DISMISSED. In this regard, plaintiff has not established that application of MCL 600.2963(8) to bar the present original action is unconstitutional. Further, MCL 600.2963(8) is not facially unconstitutional as to constitutional due process and equal protection rights. See *Grabinski v Governor*, ___ Mich App ___; ___ NW2d ___ (Docket No. 339082, issued October 15, 2019, slip op, pp 3-4).



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

OCT 30 2019

Date


Chief Clerk