Court of Appeals, State of Michigan

ORDER

James Tyrell Drane v Department of Corrections

Docket No. **354922**

LC No. **20-016020-AH**

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

The motion for reconsideration is GRANTED. The December 28, 2020 order is VACATED, and the original complaint for habeas corpus is REINSTATED subject to the fee-related requirements of this order.

The motion to waive fees is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Within 21 days after the date of this order, plaintiff shall pay to the Clerk of the Court the initial partial filing fee of **$103**, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order**. If plaintiff timely files the partial fee and refiles the pleadings, plaintiff generally may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the original complaint not being filed in this Court and plaintiff not being responsible for paying the filing fee or electronic filing system fee. If plaintiff timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **$297** for payment of the $400 total of the $375 filing fee and $25 electronic filing system fee. The balance due shall then be remitted to this Court.

The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.

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

February 10, 2021
Date

Chief Clerk