

STATE OF MICHIGAN
COURT OF APPEALS

STANLEY BOSWELL,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED

May 28, 1996

No. 178804

LC No. 94-002531-CZ

Before: Doctoroff, C.J., and Neff and Fitzgerald, JJ.

MEMORANDUM.

Plaintiff, an inmate incarcerated at the Alger Maximum Correctional Facility, appeals as of right the trial court's order granting summary disposition pursuant to MCR 2.116(C)(8) in favor of defendant and dismissing his cause of action. We affirm.

Plaintiff's action for injunctive relief and money damages under 42 USC 1983 for defendant's alleged violation of plaintiff's right to obtain free first-class stamps and free postage for legal mail was properly dismissed. Plaintiff did not meet the criteria to be classified as an indigent prisoner and, therefore, was not entitled to free postage. Policy Directive 04.02.120; Rule 791.6603(2). PD-04.02.120 clearly sets forth the criteria a prisoner must meet before being granted indigent status, and it does not interfere with a prisoner's right of access to the courts.¹

Affirmed.

/s/ Martin M. Doctoroff

/s/ Janet T. Neff

/s/ E. Thomas Fitzgerald

¹ We find plaintiff's claim concerning the denial of his right of access to the courts intriguing in light of the fact that plaintiff has numerous appeals currently pending before this Court and, according to defendant, plaintiff has filed 178 lawsuits since 1988.