

Order

Michigan Supreme Court
Lansing, Michigan

November 26, 2019

Bridget M. McCormack,
Chief Justice

160593 (11)

David F. Viviano,
Chief Justice Pro Tem

EDWARD JAMES CROMER,
Petitioner-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160593

COA: 351049

Ionia CC: 19-034011-AH

BELLAMY CREEK CORRECTIONAL
FACILITY WARDEN,
Respondent-Appellee.

On order of the Chief Justice, the motion to waive fees is DENIED because MCL 600.2963 requires that a prisoner pursuing a civil action be liable for filing fees. Ordinarily, MCL 600.2963(8) would preclude appellant from seeking leave to appeal in this Court because of outstanding fees he owes in SC 144257. However, that statutory section cannot constitutionally be applied to bar an application regarding a complaint for habeas corpus. *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961).

Appellant is not required to pay an initial partial fee. However, for this application to proceed, **within 21 days of the date of this order, appellant shall submit a copy of this order and refile the copy of the pleadings returned with this order.** By doing this, appellant becomes responsible to pay the \$375.00 filing fee. Failure to comply with this order shall result in the dismissal of this application.

If appellant timely refiles the pleadings, monthly payments shall be made to the Department of Corrections in the amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of \$375.00. This amount shall then be remitted to this Court.

Pursuant to MCL 600.2963(8), appellant shall not file a new civil action or appeal in this Court until the entry fee in this case is paid in full.

The Clerk of the Court shall furnish two copies of this order to appellant and return a copy of appellant's pleadings with this order.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 26, 2019

Clerk