IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Kenneth Gilbert v Department of Corrections**
Docket No. **275791**
L. Ct. No. **06-044923-AH**

William C. Whitbeck, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because MCL 600.2963 mandates the payment of an initial, partial filing fee when a prisoner under the supervision of the Department of Corrections files a civil action with this Court.

Within 21 days of the certification of this order, plaintiff shall pay the initial, partial filing fee of **$12** to the Clerk of this Court, shall submit a copy of this order with the payment, **and shall refile the pleadings that are being returned with this order**. If plaintiff timely pays the initial, partial filing fee and refiles the pleadings, he may not file another civil appeal or original action in this Court until such time that either the Department of Corrections remits or he pays the entire outstanding balance due. Failure to comply with this order shall result in the complaint for a writ of habeas corpus not being filed in this Court.

If plaintiff timely pays the initial, partial fee filing 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 his account until the payments equal the balance due of **$363**. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or a civil appeal until he pays the entire outstanding balance due.

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

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 09 2007
Date

Sandra Schultz Mengel
Chief Clerk