

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v David Duane Herbert**
Docket No. **278202**
L.C. No. **91-044799-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this appeal only. This order does not pertain to the complaint for superintending control in 278203.

This appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1).



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

JUL - 3 2007

Date

Sandra Schultz Mengel

Chief Clerk