

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **Joseph Rosales v Mark S Toodzio**  
Docket No. **276952**  
L.C. No. **05-003046-CH**

Donald S. Owens, Judge, acting under MCR 7.217 and MCR 7.219(I), orders:

The above appeal is **DISMISSED** for want of prosecution, appellant having failed to file a conforming brief on appeal.

On October 15, 2007, this Court advised appellant that his second amended brief was defective for various reasons, including that he had made revisions to the brief beyond that required to cure the enumerated defects, which requires a motion to amend. On December 7, 2007, this Court struck appellant's second amended brief for failure to cure the defects. This Court ordered that appellant file a conforming brief within seven days or the matter would be placed on the involuntary dismissal warning docket without further notice to the parties.

On December 20, 2007, appellant file his third amended appellant's brief. However, the brief still contained revisions made beyond the scope of curing the defects and no motion to amend had been filed. Thus, appellant has failed to file a conforming brief.

Robert T. Wall (P 21928), retained counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$250 for allowing this appeal to appear on the involuntary dismissal docket. Such costs are personal to the attorney and shall not be charged back to the client or to the State.



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

JAN 07 2008  
Date

Sandra Schultz Mengel  
Chief Clerk