IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Nigel Lee Whittaker v Wayne Circuit Judge**
Docket No. **284139**
L.C. No. **05-007110**

Henry William Saad, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Appellant is not required to pay an initial partial fee. However, for an appeal to be filed, **plaintiff shall submit a copy of this order and refile the pleadings within 21 days of the certification of this order**. By doing this, plaintiff becomes responsible for paying the $375 filing fee and may not file another appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If plaintiff timely refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **$375**. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or an appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

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

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

MAR 2 8 2008
Date

Sandra Schultz Mengel
Chief Clerk