

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **People of MI v Franklin Jones Jr**

Docket No. **286694**

L.C. No. **97-001565-01-FC**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

On the Court's own motion, the order dated September 11, 2003, is VACATED.

The motion to waive fees is once again DENIED because a review of appellant's prisoner account statement showed he has an ability to pay a \$26.00 reduced entry fee. The Clerk of this Court shall retain the check that appellant used to pay this fee pending his response to the other provisions of this order.

The motion to extend time to file defendant-appellant's brief on appeal in the Michigan Court of Appeals is DENIED because a brief on appeal is not due unless this Court grants leave. MCR 7.205(D)(3).

Within 21 days of the certification of this order, nevertheless, appellant shall file five copies of a delayed application for leave to appeal that conform to the provisions found in MCR 7.212(C)(1)-(9). See MCR 7.205(B)(1). If appellant does not file a conforming delayed application for leave to appeal within the time allotted, this Court will dismiss the appeal due to his failure to pursue it in accordance with the court rules. MCR 7.201(B)(3) and MCR 7.216(A)(10).

If appellant does not file the necessary pleadings and the appeal is dismissed, the Clerk of this Court shall return the aforementioned check with the order of dismissal.



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

OCT - 2 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk