IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **James M Johnston v Wayne Circuit Court**
Docket No. **286997**
L. Ct. No. **96-503804-01-FH**

Donald S. Owens, 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 since MCL 600.2963 requires the payment of an initial, partial filing fee if 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 **$5.00** 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 pays the initial, partial filing fee and refiles the pleadings within the time allotted, 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. 1999 PA 147, MCL 600.2963(8). If plaintiff does not comply with this order within the time allotted, this Court will not accept the complaint for a writ of superintending control for filing.

If plaintiff pays the initial, partial fee filing fee and refiles the pleadings within the time allotted, 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 **$370.00**. This amount shall then be remitted to this Court. Again, plaintiff may not file an original action or a civil appeal in this Court until he 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 his pleadings with this order.

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

OCT 0 2 2008
Date

Sandra Schultz Mengel
Chief Clerk