

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Marcus Dwight Ellis**
Docket No. **295504**
L.C. No. **95-068413-FH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The October 26, 2009 order granting appellant's motion to intervene in this case, but denying his motion for reconsideration or relief from judgment as to the earlier August 6, 2009 order is not a final order appealable of right. MCR 7.202(6)(b); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the August 6, 2009 order even though that order appears to be a final order because the claim of appeal was not filed within 42 days of the August 6, 2009 order. MCR 7.204(A)(2)(c). No provision of MCR 7.204(A)(2) applies to extend the time limit for filing a claim of appeal from the August 6, 2009 order beyond 42 days. Particularly, MCR 7.204(A)(2)(d) only allows for filing a claim of appeal "within 42 days after the entry of an order denying a motion for a new trial, for directed verdict of acquittal, or to correct an invalid sentence." There is no provision for an extended filing deadline after entry of an order denying a motion for reconsideration of an order dismissing a criminal case. At this time, appellant may seek to appeal either the August 6, 2009 or the October 26, 2009 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

JAN - 6 2010

Date

Sandra Schultz Mengel

Chief Clerk