

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Arthur Jackson-El v Robert Spada**

Docket No. **308847**

L.C. No. **11-011967-AH**

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

The motion for reconsideration is DENIED. The holding in *Kincade v Kentucky*, 117 F3d 949 (CA 6, 1997), that the filing fee provisions of a federal statute as to actions filed in a federal court do not apply to habeas corpus petitions is immaterial to this matter. Rather, MCL 600.321(1)(a) requires payment of a \$375 fee for filing an original proceeding in this Court with no exception for an original complaint for habeas corpus.

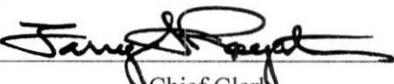
Although plaintiff has refiled his pleadings, it is unclear under the circumstances whether he wishes to proceed with this case with knowledge that doing so will require him to eventually pay the \$375 entry fee through deductions from his prisoner account. Accordingly, to proceed with this case, plaintiff shall provide the Clerk's Office of this Court with a signed written statement within 14 days of the date of the order clearly and unambiguously stating that he wishes to proceed with the case in order for the case to proceed. If plaintiff provides such a signed statement, this case shall proceed and he will be liable for eventual payment of the \$375 entry fee. In this regard, the Clerk's Office is directed to disregard any statement included in or provided with the required signed statement objecting to the \$375 entry fee and any such objection will not preclude responsibility for the \$375 entry fee. If plaintiff fails to provide the required signed statement, the Clerk's Office shall close-out this file which will then be treated as if plaintiff had never filed this case and he will not be responsible for payment of an entry fee.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 08 2012

Date


Chief Clerk