Court of Appeals, State of Michigan

ORDER

Robert Sango v Civil Service Commission

Docket No. 316778

LC No. 00-000000

Cynthia Diane Stephens
Presiding Judge

Kathleen Jansen

Donald S. Owens
Judges

The Court orders that the motion for reconsideration is DENIED. Under MCL 600.2963(8) as definitively construed in *Keenan v Dep't of Corrections*, 466 Mich 204, 204-205; 644 NW2d 756 (2002), plaintiff may not proceed with the present original complaint for mandamus because of the outstanding fee he owes this Court for a prior case subject to MCL 600.2963. Nothing in the holding in *Keenan* turns on whether the prisoner in that case had a job or monthly income. While this result may seem unfair to plaintiff he provides no legal basis for this Court to fail to apply MCL 600.2963(8) to this case. Also, the statement from *Wells v Dep't of Corrections*, 447 Mich 415, 419; 523 NW2d 217 (1994), cited by plaintiff is inapplicable because *Wells* was decided before the enactment of MCL 600.2963.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 11 2013
Date

Chief Clerk