

Court of Appeals, State of Michigan

ORDER

Reginald Dewayne Nelson v Belamy Creek Corr Facility Warden

Docket No. 319293

LC No. 10-059619-AH

Amy Ronayne Krause, Judge, acting under MCR 7.211(E)(2), orders:

The motion filed on December 18, 2013 and captioned as a motion to reassess fees and costs is recognized as a motion for reconsideration of this Court's December 10, 2013 order. The motion for reconsideration is DENIED. Plaintiff presents no basis to conclude that requiring him to pay the full \$375 entry fee to proceed with this case violates his constitutional right to seek habeas corpus relief where it is manifest that he had \$375 available to pay that entry fee at the time that he initially filed this case in this Court. Further, this Court's December 10, 2013 order does not impose any obligation on a third party to pay any amount on plaintiff's behalf. While a substantial amount of the funds in plaintiff's prisoner account at the time he initially filed this case may have been given to him by a third party once those funds were deposited in plaintiff's account they became plaintiff's funds. Moreover, it is not reasonable for plaintiff to have made the \$98.05 purchase on December 3, 2013 and the \$73.12 purchase on December 6, 2013 recorded in his more recent prisoner account statement provided with the motion for reconsideration and now claim an inability to pay the \$375 entry fee.

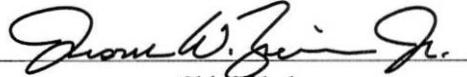
To proceed with this case, plaintiff shall pay the \$225 remainder of the \$375 entry fee within 21 days of the date of this order. If plaintiff fails to make such a \$225 payment within 21 days of the date of this order, the Clerk's Office of this Court shall return to him the \$150 check received on December 18, 2013 and this case shall be closed out as if it had never been filed in this Court.



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

DEC 30 2013

Date


Chief Clerk