

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Rodgerick Sean Booth v Department of Corrections**
Docket No. **302549**
L.C. No. **10-048261-CZ**

William B. Murphy, Chief Judge, acting under MCR 7.211(E)(2), orders:

On the Court's own motion, the claim of appeal is DISMISSED because appellant, a prisoner under the jurisdiction of the Department of Corrections, filed the subject claim of appeal even though he owes an outstanding fee of \$375 incurred in *Rodgerick Booth v Dept of Corrections*, Docket No. 287718. A prisoner who is under the Department's jurisdiction cannot file another civil appeal or original action until the prisoner pays the outstanding balance owed in an earlier civil appeal or original action filed while under the Department's jurisdiction. MCL 600.2963(8).

The motion to waive fees is DENIED as moot.

The motion to alter judgment is also DENIED. By the plain language of MCL 600.2963(1), MCL 600.2963 applies to any civil appeal filed by a prisoner of the Department of Corrections.



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

MAR 30 2011

Date


Chief Clerk