IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **John Francis Moran v Carson City Correctional Facility Warden**
Docket No. **318534**
L.C. No. **2013-017450-AH**

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

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.205(B)(7) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Appellant's conclusory assertion that it violates the Equal Protection Clause of the Michigan Constitution to require him to pay court filing fees is not sufficient to establish a constitutional violation. See, e.g., *State Treasurer v Sprague*, 284 Mich App 235, 243; 772 NW2d 452, lv den 485 Mich 971 (2009) (not sufficient for appellant to present vague and conclusory constitutional claims).

Within 21 days of the certification of this order, appellant shall pay to the Clerk of the Court the initial partial filing fee of **$37**, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order**. If appellant timely files the partial fee and refiles the pleadings, appellant may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or appellant pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If appellant timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of **$338**. This amount shall then be remitted to this Court. Again, appellant may not file either a new civil appeal or an original action until appellant pays the entire outstanding balance due. MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to appellant and return appellant's pleadings with this order.

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

NOV 2 1 2013
Date

Jerome W. Zimmer Jr.
Chief Clerk