

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Kelly Lynn Bates v William Keith Bates**
Docket No. **282435**
L.C. No. **06-634092-DM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the November 20, 2007 order denying appellant's motion to compel appellee to return minor children to Michigan is DISMISSED for lack of jurisdiction since the divorce action is still pending below. MCR 2.604(A), 7.202(6)(a)(i), and 7.203(A)(1). Alternatively, appellant cannot claim an appeal under MCR 7.202(6)(a)(iii) since the order appealed is not postjudgment. If appellant still wants to challenge this interlocutory order before the entry of the final order, he must file a delayed application for leave to appeal. MCR 7.203(B)(1) and 7.205(F)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 27 2007

Date

Sandra Schultz Mengel

Chief Clerk