

**Court of Appeals, State of Michigan**

**ORDER**

**Stephen J Raciboski v Sean M Murphy**

Docket No. 315826

LC No. 12-003647-CH

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William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. A claim of appeal must be taken from a judgment or order. MCR 7.203(A). It is apparent from the circuit court register of actions that the dismissal order appealed from was set aside before the claim of appeal was filed. Further, appellant failed to respond to a request from the Clerk's Office of this Court for a copy of the order(s) regarding the setting aside of the dismissal. Plainly, an order that is set aside before a claim of appeal is filed no longer exists in legal contemplation when the claim of appeal is filed and is not a proper subject of a claim of appeal.

Appellant's affidavit of indigency is treated as a motion to waive fees, and the motion is GRANTED for this case only.



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUN 06 2013

Date

*Angela P. DiSessa*

Acting Chief Clerk