IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ashondo Karice Hill v Department of Corrections**
Docket No. **319208**
L.C. No. **00-000000**

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 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. It is also recognized that the plain language of MCL 600.2963(8) would bar plaintiff from proceeding with this case due to the outstanding fee he owes this Court in *Ashondo Karice Hill v Parole Board*, Docket No. 310007. However, application of MCL 600.2963(8) to bar plaintiff from proceeding with the present original complaint for habeas corpus would violate the Equal Protection Clause of the Fourteenth Amendment under *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961).

Within 21 days of the certification of this order, plaintiff shall pay to the Clerk of the Court the initial partial filing fee of **$27**, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order**. If plaintiff timely files the partial fee and refiles the pleadings, plaintiff may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the original complaint not being filed in this Court and plaintiff not being responsible for paying the filing fee. If plaintiff 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 plaintiff's account until the payments equal the balance due of **$348**. This amount shall then be remitted to this Court. Again, plaintiff may not file either a new civil appeal or an original action until plaintiff pays the entire outstanding balance due. MCL 600.2963(8).

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

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

DEC 1 0 2013
Date

Chief Clerk