IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michael DeWayne Smith v Department of Corrections**
Docket No. **289392**
L.C. No.

Donald S. Owens, 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.

Within 21 days of the certification of this order, plaintiff shall pay to the Clerk of the Court the initial partial filing fee of **$10.00**, 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 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. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the original complaint not being filed in this Court.

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 **$365.00**. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or an appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, 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 Sandra Schultz Mengel, Chief Clerk, on

JAN 2 0 2009
Date

Sandra Schultz Mengel
Chief Clerk