IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In re Kenneth M Garner**
Docket No. **301265**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) orders:

The motion to waive fees is GRANTED for this case only.

The complaint is DISMISSED for lack of jurisdiction because plaintiff has not shown that there is no judge in the county in which he is detained who is empowered and available to issue the writ or that the judicial circuit for that county has refused to issue the writ. MCR 3.303(A)(2). Plaintiff may raise this issue in the circuit court in the county of Wayne, the county in which he is detained.

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

JAN 06 2011
Date

Sandra Schultz Mengel
Chief Clerk