

MICHIGAN SUPREME COURT

Randy Holloway v. Attorney Grievance Commission

Randy Holloway v. Attorney Grievance Commission, 929 N.W.2d 285 (Mich. 2019) · No. SC: 159845 · Decided June 26, 2019

SUMMARY

Michigan Supreme Court order denying a prisoner's motion to waive filing fees, holding that MCL 600.2963 requires a prisoner pursuing a civil action to be liable for fees. The Court directed the plaintiff to pay a \$21 initial partial fee and submit monthly payments of 50% of deposits to his account until the \$379 balance is paid, and prohibited filing new actions until the fee is paid in full under MCL 600.2963(8).

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Bridget M. McCormack; David F. Viviano; Stephen J. Markman; Brian K. Zahra; Richard H. Bernstein; Elizabeth T. Clement; Megan K. Cavanagh
JURISDICTION	Michigan
DECIDED	June 26, 2019
DOCKET	SC: 159845
DISPOSITION	denied
PROCEDURAL POSTURE	Motion to waive filing fees
PRECEDENTIAL VALUE	published

TOPICS

- civil procedure
- appellate procedure
- costs
- attorney fees
- statutory interpretation

PRACTICE AREAS

- Civil Procedure
- Appellate Procedure
- Prisoner Litigation

QUESTIONS PRESENTED

1. Whether the court should waive filing fees for a prisoner civil action under MCL 600.2963.

HOLDINGS

1. The motion to waive fees is denied because MCL 600.2963 requires that a prisoner pursuing a civil action be liable for filing fees.

KEY QUOTATIONS

“On order of the Chief Justice, the motion to waive fees is considered and it is DENIED because MCL 600.2963 requires that a prisoner pursuing a civil action be liable for filing fees.” (285)

FACTUAL BACKGROUND

The plaintiff, Randy Holloway, is a prisoner who sought to file a civil action in the Michigan Supreme Court against the Attorney Grievance Commission. He moved to waive the filing fees.

PROCEDURAL HISTORY

The plaintiff, a prisoner, filed a complaint and moved to waive filing fees. The Michigan Supreme Court considered the motion.

DISPOSITION

denied

REMAND INSTRUCTIONS

Within 21 days, plaintiff shall pay initial partial filing fee of \$21.00, submit a copy of this order, and refile the pleadings. After that, monthly payments of 50% of deposits to plaintiff's account will be made until the balance of \$379.00 is paid. If plaintiff fails to comply, the complaint will not be filed. Also, plaintiff shall not file a new civil action or appeal until the entry fee is paid in full.

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan June 26, 2019 Bridget M. McCormack, Chief Justice David F. Viviano, Chief Justice Pro Tem 159845 (3) Stephen J. Markman Brian K. Zahra Richard H. Bernstein Elizabeth T. Clement Megan K. Cavanagh, Justices RANDY HOLLOWAY, Plaintiff, v SC: 159845 AGC: 16-1322 ATTORNEY GRIEVANCE COMMISSION, Defendant.

_____/ On order of the Chief Justice, the motion to waive fees is considered and it is DENIED because MCL 600.2963 requires that a prisoner pursuing a civil action be liable for filing fees.

The filing fees include a \$375.00 entry fee and a \$25.00 fee for commencing an original action, MCL 600.1986, for a total of \$400.00. Within 21 days of the date of this order, plaintiff shall pay to the Clerk of the Court the initial partial filing fee of \$21.00; submit a copy of this order; and

refile the copy of the pleadings returned with this order. Failure to comply with this order shall result in the 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 the amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of \$379.00. This amount shall then be remitted to this Court. Pursuant to MCL 600.2963(8) plaintiff shall not file a new civil action or appeal in this Court until the entry fee in this case is paid in full.

The Clerk of the Court shall furnish two copies of this order to plaintiff and return a copy of plaintiff's pleadings with this order. I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court. June 26, 2019 izm Clerk