Order

Michigan Supreme Court
Lansing, Michigan

June 24, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 170271 (24)
COA: 378552
Wayne CC: 22-015340-NM

NIGEL LEE WHITTAKER,
Plaintiff-Appellant,

v

JAMES B. SCHLAFF,
Defendant-Appellee.

On order of the Chief Justice, plaintiff-appellant is not entitled to a fee waiver because MCL 600.2963 requires a prisoner who is pursuing a civil action to pay a partial fee of either 50% of the average monthly deposits or the average monthly balance for the past 12 months, whichever is greater. The Clerk of the Court is directed to provide two copies of this order and one copy of the application filed with the Court to plaintiff-appellant.

Within 21 days of the date of this order, plaintiff-appellant must send to the Court:

1. the initial partial filing fee of $0.00, which is approximately 50% of plaintiff-appellant's average monthly deposits;
2. one copy of this order;
3. the application that was returned to plaintiff-appellant.

By doing so, plaintiff-appellant becomes responsible to pay the full $375 filing fee. If plaintiff-appellant fails to timely comply with this order, the application will be administratively dismissed and the case closed. If plaintiff-appellant timely complies with this order, the Department of Correction shall retain 50% of future monthly deposits made to plaintiff-appellant's account until the $375.00 balance is paid. Upon collecting the balance, the department shall remit this amount to this Court.

Under MCL 600.2963(8), plaintiff-appellant may not file a new civil action or appeal in this Court until the filing fee in this case is paid in full.

I, Elizabeth Kingston-Miller, 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 24, 2026

Clerk