

Order

**Michigan Supreme Court
Lansing, Michigan**

November 2, 2016

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2002-37

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

Administrative Order No. 2016-3

Prisoner Electronic Filing Program
with the Michigan Supreme Court and
the Michigan Department of Corrections

On order of the Court, effective immediately, the Michigan Supreme Court (“Court”) is authorized to implement a Prisoner Electronic Filing Program with the Michigan Department of Corrections.

Participants in the Prisoner Electronic Filing Program consist of the Clerk’s Office of the Michigan Supreme Court, the correctional facilities operated by the Michigan Department of Corrections (“MDOC”) identified in Exhibit A to this order, and the prisoner litigants housed in the identified correctional facilities who are or who seek to be parties to litigation filed in the Michigan Supreme Court. Additional facilities may be made part of this program at the discretion of the Clerk’s Office and the MDOC.

For the initial phase of the Prisoner Electronic Filing Program, the Court will provide to the MDOC, and retain ownership of, digital equipment for use in the identified correctional facilities with the sole purpose of transmitting authorized documents between the Court and the identified correctional facilities. The digital equipment will be programmed with an email address used by the Clerk’s Office for receiving electronic filings from the MDOC. The MDOC will provide the Clerk’s Office with email addresses for receiving electronic notices from the Court on behalf of the prisoner litigants at the identified correctional facilities.

Filings by prisoner litigants during the initial phase of the program will be limited to applications for leave to appeal and related documents in criminal cases. Prisoner litigants must utilize the form created by the Clerk’s Office for self-represented litigants and made available to the MDOC.

All filings by prisoner litigants must be submitted electronically to the Clerk’s Office unless the system is not operational when the documents are presented to the MDOC for e-filing. If the system is not operational at the time of presentment, the filing

shall be submitted by mail, unless the system is expected to resume operation before the filing deadline. A prisoner litigant transferred from a correctional facility with e-filing capability to a correctional facility without e-filing capability must submit all future filings by mail via the U.S. Postal Service. A prisoner litigant who is transferred into a correctional facility with e-filing capability must electronically transmit all subsequent filings to the Court. The prisoner litigant must notify the Clerk's Office immediately of any change of address.

MDOC staff will scan the prisoner litigant's filings at the correctional facility and transmit them, with a time stamp applied by the digital equipment, to the Clerk's Office email address. An automated email reply will be immediately sent to the MDOC email address acknowledging receipt of the filing. The original documents will be returned to the prisoner litigant, who must retain them in their original form and produce them at a later time if ordered by the Court.

The Clerk's Office will review filings as soon as practicable (usually by 5:00 p.m. if received in the morning on a business day or by 12:00 p.m. the following business day if received in the afternoon) for jurisdiction and compliance with the court rules. If the Court does not have jurisdiction or if the filing does not substantially comply with the court rules, the Clerk's Office will transmit a Notice of Rejection to the MDOC that specifies the reason(s) for the rejection.

If the filing is accepted, it will be docketed in the Court's case management system and electronically served on those persons or entities that the prisoner litigant has identified as parties to the litigation if they are registered users of TrueFiling or have provided an official email address to the Court. The Clerk's Office will mail copies of the prisoner litigant's filing via the U.S. Postal Service to identified parties who cannot be e-served. For accepted filings, the Clerk's Office will transmit a Notice of Electronic Filing to the MDOC that identifies, among other things, the names and service information of parties who were served with the filing. The Notice of Electronic Filing also will be electronically transmitted or mailed to the Michigan Court of Appeals and the trial court/tribunal as notice of the appeal under MCR 7.305(A)(3).

The MDOC will provide a copy of the Notice of Rejection or Notice of Electronic Filing to the prisoner litigant as soon as practicable.



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.

November 2, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk

Exhibit A

Correctional Facilities Participating in the Prisoner Electronic Filing Program:

Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811

St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880