

Order

Michigan Supreme Court
Lansing, Michigan

November 27, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-08

David F. Viviano,
Chief Justice Pro Tem

Administrative Order No. 2020-21

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

Order Allowing Notice of Filing
to Extend Filing Period in
Michigan Supreme Court and
Michigan Court of Appeals

As of November 20, 2020, nearly half of Michigan's prisons are considered outbreak sites of the COVID-19 virus. As a result, many prison facilities have restricted access to or closed the prison libraries, where self-represented inmates primarily work on pursuing their legal claims. These restrictions are impeding the ability of incarcerated individuals to complete the necessary legal pleadings to proceed with a criminal appeal.

Therefore, on order of the Court, pursuant to 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, the Court adopts the following alternative procedure for inmates who seek to file appeals with the Michigan Supreme Court and Michigan Court of Appeals in criminal cases only:

1. An incarcerated individual who is acting *in propria persona (in pro per)* and who intends to file an application for leave to appeal in the Michigan Supreme Court or a claim of appeal or an application for leave in the Michigan Court of Appeals shall file a letter with the Supreme Court or Court of Appeals notifying it of that intent. The letter shall state that the incarcerated person is unable to complete and submit the necessary materials because of restrictions in place due to COVID-19, and shall be filed within the time for filing the application or claim of appeal under MCR 7.305(C)(2), MCR 7.204, or MCR 7.205. The letter will have the effect of tolling the filing deadline as of the date the letter was mailed from the correctional facility.

2. When the tolling period ends, an incarcerated person who submitted a timely notice letter to the Supreme Court or Court of Appeals will have the same number of days to file the claim of appeal or application that remained when the tolling period began.

3. The tolling period established by this order shall expire on January 4, 2021, unless it is extended by further order of the Court.



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 27, 2020 _____

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Clerk