

# Order

Michigan Supreme Court  
Lansing, Michigan

January 5, 2021

Bridget M. McCormack,  
Chief Justice

ADM File No. 2020-08

David F. Viviano,  
Chief Justice Pro Tem

Amendment of Administrative  
Order No. 2020-21

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

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

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On order of the Court, the following amendment of Administrative Order No. 2020-21 is adopted, effective immediately.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

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 identify the trial court case number and, if applicable, the Court of Appeals case number that is the subject of the intended appeal, 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. An incarcerated person who submitted a timely notice letter during the initial tolling period is not required to file a new notice during the extended period.

3. The tolling period established by this order shall expire on February 1~~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.

January 5, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk