

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1464

VERSUS

FRANK ATKINS

OCT 08 2013

In Re: Frank Atkins, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 11-12-0432.


BEFORE: WHIPPLE, C.J., WELCH AND CRAIN, JJ.

WRIT NOT CONSIDERED. Relator failed to comply with Uniform Rules of Louisiana Courts of Appeal, Rules 4-3 and 4-5(C)(11), by failing to include documentation showing that the trial judge granted a timely request for an extension of the return date. Accordingly, this application appears to be untimely. Relator also failed to comply with Rule 4-5(A), in that the application does not contain an affidavit verifying the allegations of the writ application requesting review of the trial court's ruling denying relator's motion to quash. Rather, the affiant verifies all the allegations in the "foregoing Petition to Partition Community Property" are true and correct. Nor does the affidavit list the addresses and telephone numbers of the respondent judge and opposing counsel. Additionally, as alleged in the state's motion to dismiss the writ application, the application fails to comply with Rule 4-5(C)(9) in that it fails to include a copy of the state's opposition and memorandum to relator's motion to quash.

Supplementation of this writ application and/or an application for rehearing will not be considered. See Uniform Rules of Louisiana Courts of Appeal, Rules 2-18.7 & 4-9. In the event relator elects to file a new application with this Court, the application shall be filed on or before October 21, 2013. Any future filing on this issue should include the entire contents of this application, the missing items noted above, and a copy of this ruling.

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VGW
JEW
WJC


DEPUTY CLERK OF COURT
FOR THE COURT