

Cite as 2018 Ark. App. 103
ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-16-1116

CORNELL TAPER

APPELLANT

V.

CITY OF FORREST CITY; LARRY
BRYANT, MAYOR OF FORREST CITY;
AND GORDON MCCOY, FORMER
MAYOR OF FORREST CITY

APPELLEES

Opinion Delivered: February 7, 2018

APPEAL FROM THE ST. FRANCIS
COUNTY CIRCUIT COURT
[NO. 62CV-13-127]

HONORABLE RICHARD L.
PROCTOR, JUDGE

AFFIRMED

KENNETH S. HIXSON, Judge

This is the second time this appeal involving appellant Cornell Taper has been submitted to this court. Mr. Taper was terminated from his job as a Forrest City police officer for failing to perform his duties and for using excessive force against an arrestee. Mr. Taper subsequently filed a complaint against appellees City of Forrest City and its current and former mayor, alleging violations of the Arkansas Civil Rights Act and seeking reinstatement and damages. The trial court entered summary judgment for the appellees. On appeal, Mr. Taper argues that the trial court erred in granting summary judgment because he was denied due process before being terminated.

The first time this appeal was before this court, we remanded to settle and supplement the record because missing from the record were numerous exhibits attached to the appellee's summary-judgment motion, as well as a portion of the appellee's brief in support of the motion. See *Taper v. City of Forrest City*, 2017 Ark. App. 470. One of the omitted exhibits was a DVD disk containing a video recording of Mr. Taper's alleged use of excessive force. We also ordered Mr. Taper to file a supplemental addendum consisting of the DVD disk. We gave Mr. Taper fifteen days to settle and supplement the record, and his supplemental addendum was due seven days from the date the supplemental record was lodged. The supplemental record was lodged on October 5, 2017, making the supplemental addendum due on October 12, 2017. However, the supplemental record does not contain the DVD as ordered, and as of this date, Mr. Taper has failed to file a supplemental addendum as ordered. Arkansas Supreme Court Rule 4-2(b)(3) provides that, if after being given the opportunity to cure the deficiencies, the appellant fails to file a complying addendum within the prescribed time, the judgment may be affirmed for noncompliance with the rule. Because Mr. Taper has failed to cure these deficiencies after being given the opportunity to do so, we affirm.

Affirmed.

ABRAMSON and VAUGHT, JJ., agree.

Ronald L. Davis Law Firm, by: *Ronald L. Davis, Jr.*, for appellant.

Ronald L. Wilkerson, for appellees.