

# ARKANSAS SUPREME COURT

No. 07-1335

HAYWOOD MILLER  
Petitioner

v.

HON. WILLARD PROCTOR, JR.,  
CIRCUIT JUDGE  
Respondent

Opinion Delivered April 24, 2008

PRO SE MOTION FOR  
RECONSIDERATION OF DENIAL OF  
MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS [JUDICIAL  
DISCIPLINE AND DISABILITY  
COMMITTEE, COMPLAINT NO. 07-  
177]

MOTION DENIED.

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## PER CURIAM

Petitioner Haywood Miller tendered a petition for writ of certiorari to this court which pertained to the dismissal of a complaint he filed with the Judicial Discipline and Disability Committee. This court denied petitioner's motion for leave to proceed in forma pauperis. *Miller v. State*, CR 07-1335 (Ark. Feb. 14, 2008) (per curiam). Petitioner was given thirty days to remit the required filing fee to proceed with the petition for writ of certiorari. Now before us is his pro se motion for reconsideration of the denial of the motion.

As petitioner seeks a writ of certiorari, which is civil in nature, petitioner is required to allege facts that indicate a colorable cause of action in order to obtain leave to proceed in forma pauperis. Ark. R. Civ. P. 72; *Boles v. Huckabee*, 340 Ark. 410, 12 S.W.3d 201 (2000) (per curiam). Petitioner's original motion for leave to proceed in forma pauperis contained no facts regarding the basis for the petition for writ of certiorari.

Petitioner's instant motion for reconsideration sets out mere allegations of judicial wrong-

doing regarding purportedly improper jury selection in petitioner's criminal trial. It is clear that the issue as described in the motion for reconsideration, and raised in the petition for writ of certiorari filed in this court, is the same issue addressed on direct appeal from the judgment entered in the underlying criminal matter. *Miller v. State*, CACR 02-715 (Ark. App. Apr. 2, 2003). It is also clear that petitioner's complaint filed with the Arkansas Judicial Discipline and Disability Commission was an attempt to reargue that issue in order to reverse the criminal judgment through the guise of a complaint against the trial judge.

A petition for writ of certiorari is extraordinary relief. *Jordan v. Circuit Court of Lee Co.*, 366 Ark. 326, 235 S.W.3d 487 (2006). Extraordinary relief is not a substitute for an appeal, *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988), and would lie only where an appeal was inadequate. *Forrest City Mach. Works, Inc. v. Erwin*, 304 Ark. 321, 802 S.W.2d 140 (1991). Petitioner's attempt to seek a writ of certiorari to reverse the Commission's dismissal of petitioner's complaint against the trial judge is precluded; this issue has been fully considered on appeal, and it presents no colorable cause of action. Petitioner has failed to demonstrate that there was some error of fact or law in the decision that would merit reconsideration of the denial of the motion for leave to proceed in forma pauperis.

If petitioner desires to proceed with the petition for writ of certiorari, it is his responsibility to tender the fee required within ten days from the date of this opinion in order to file the petition with the clerk of this court.

Motion denied.