Cite as 2009 Ark. 126 (unpublished)

ARKANSAS SUPREME COURT

No. 08-993

	Opinion Delivered **March 5, 2009**
BENJAMIN WILLIAMS, JR. Petitioner v. LARRY NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION Respondent	PRO SE PETITION FOR RECONSIDERATION OF DENIAL OF MOTION FOR RULE ON CLERK [CIRCUIT COURT OF LINCOLN COUNTY, LCV 2008-9, HON. ROBERT H. WYATT, JR., JUDGE] PETITION DENIED.

PER CURIAM

Petitioner Benjamin Williams, Jr., an inmate incarcerated in the Arkansas Department of Correction, filed a petition for writ of habeas corpus in Lincoln County Circuit Court that was dismissed. Petitioner timely filed a notice of appeal, and later filed a motion for an extension of time to file the record on appeal. The circuit court granted the motion for an extension of time to file the record, but our clerk declined to file the record tendered, on the basis that the order extending the time to file the record was invalid. Petitioner filed a pro se motion for rule on clerk.

We did not consider the merits of petitioner's arguments in the motion, because it was clear on the partial record that, even if we were to grant petitioner's motion, he could not prevail on any appeal, and we denied the motion on that basis. *Williams v. Norris*, 08-993

(Ark. Nov. 20, 2008) (per curiam). Petitioner now brings this motion for reconsideration of that denial.

Petitioner complains in his motion that he followed correct procedure in order to bring his appeal and protests that he has been denied an opportunity for this court to address the merits of his appeal. He contends that he presented a valid petition for writ of habeas corpus to the circuit court, and argues that he should be allowed to present his appeal.

Despite petitioner's claim that he presented a valid petition, the record before this court indicated that petitioner had not presented cognizable claims, as our previous opinion noted. In effect, this court fully addressed the merits of the appeal and there is no need for further consideration. An appeal of the denial of postconviction relief will not be permitted to go forward where it is clear that the appellant could not prevail. *Lukach v. State*, 369 Ark. 475, 255 S.W.3d 832 (2007) (per curiam). Had this court permitted petitioner to proceed with an appeal, the result would have been no different. Petitioner has therefore stated no good cause to reconsider our previous decision.

Petition denied.