

SUPREME COURT OF ARKANSAS

No. 11-570

JEREMY KENNEDY

APPELLANT

V.

RICHARD MORALES AND GREG
IVEY

APPELLEES

Opinion Delivered March 14, 2013

APPEAL FROM THE JACKSON
COUNTY CIRCUIT COURT

[NO. CV-2010-200]

HON. HAROLD S. ERWIN, JUDGE

AFFIRMED.

KAREN R. BAKER, Associate Justice

Appellant Jeremy Kennedy appeals from the circuit court's order granting summary judgment in favor of appellees Richard Morales and Greg Ivey. Kennedy asserts that Morales and Ivey violated his Fourth Amendment rights. We affirm the summary judgment pursuant to Arkansas Supreme Court Rule 4-2(b)(3) (2012) for failure to comply with Arkansas Supreme Court Rule 4-2(a)(8).

On August 20, 2009, Morales, an investigator for the Jackson County Sheriff's Department, received a call from an investigator for the White County Sheriff's Office who stated that Kennedy, his suspect for thefts that had occurred in White County, was staying in Jackson County. After co-appellee Greg Ivey and a parole officer entered the residence where Kennedy was an overnight guest, Kennedy was taken into custody on an active parole warrant. After Kennedy's arrest, Morales obtained a search warrant and seized some items that had been located near the front bedroom where Kennedy had been found. Kennedy pled

guilty to charges of theft and was incarcerated.

Kennedy filed a complaint against Morales and Ivey in their individual capacities alleging that they had violated his civil rights. Both sides filed motions for summary judgment. The circuit court dismissed Kennedy's motion, granted Morales and Ivey's motion for summary judgment and granted Morales and Ivey attorney's fees of \$1,962.50. Kennedy brought this appeal.

Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) (2012) requires an appellant's addendum to include all related briefs concerning the order, judgment, or ruling challenged on appeal. Kennedy's brief did not include in its addendum the cross-motions for summary judgment upon which the case was decided, the briefs in support of those motions, or the replies to those briefs in its addendum. On January 22, 2013, we ordered Kennedy to file a supplemental addendum to correct all deficiencies in his brief within seven calendar days pursuant to Arkansas Supreme Court Rule 4-2(b)(4). *Kennedy v. Morales*, 2013 Ark. 16 (per curiam). He did not do so. On February 7, 2013, we ordered Kennedy to file a substituted brief that complied with our rules within fifteen days pursuant to Arkansas Supreme Court Rule 4-2(b)(3). *Kennedy v. Morales*, 2013 Ark. 41 (per curiam). He has not done so.

Because Kennedy has failed to file a complying abstract, addendum, and brief within the prescribed time, the summary-judgment order is affirmed for noncompliance with the rule. *See* Ark. Sup. Ct. R. 4-2(b)(3).

Affirmed.

Jeremy Kennedy, pro se appellant.

No response.