

Cite as 2009 Ark. 513

SUPREME COURT OF ARKANSAS

No. CR 09-493

CRAYTONIA BADGER
Petitioner

v.

UNKNOWN CIRCUIT JUDGE
Respondent

Opinion Delivered October 22, 2009

PRO SE MOTION FOR RULE ON
CLERK TO FILE PETITION FOR
WRIT OF MANDAMUS WITHOUT
NAMING RESPONDENT [CIRCUIT
COURT OF DREW COUNTY, BW 2008-
36]

MOTION DENIED.

PER CURIAM

In 2008, a bench warrant was issued in the Circuit Court of Drew County for the arrest of petitioner

Craytonia Badger on charges of commercial burglary and theft of property over \$2,500.00.

Petitioner is currently incarcerated in the Louisiana Department of Corrections, and the bench warrant does not indicate that it has been executed and served on petitioner. Although no felony information has been filed by the prosecutor, petitioner filed in circuit court a number of pleadings in the matter.¹

Petitioner tendered a pro se petition for writ of mandamus to this court asking that we direct the

Drew County circuit court judges, in general, to act on the pleadings. The petition for writ of mandamus was not filed by our clerk's office because petitioner failed to name a specific judge as the

¹In the Circuit Court of Drew County, petitioner filed a motion to quash the bench warrant, motion for production of documents, motion for bill of particulars, discovery, inspection and production, motion to reduce bond and/or release petitioner on his personal recognizance, petition for writ of mandamus, and motion for dismissal of the charges for lack of evidence. Only the motion for bill of particulars contains a certificate of service, and that particular certificate indicates that a copy of the motion was served on "Circuit Court Attorney Office/Monticello Police Department." The record tendered by petitioner does not reflect that a response has been filed to any of the pleadings.

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respondent.

Now before us is petitioner's pro se motion for rule on clerk in which he seeks leave to file the mandamus petition without identifying the respondent and without serving a copy of the petition on any person. Petitioner contends that he made a request by telephone "to the circuit court" that the matter be assigned to a judge, but that the request was denied because petitioner has not been yet been extradited to this state on the charges.

The motion for rule on clerk is denied. Pursuant to Arkansas Supreme Court Rule 6-1(a)(2), an extraordinary writ commenced in this court must show proof that the petition was served on "the adverse party or his or her counsel of record in the circuit court." There is no means to proceed otherwise under the rule, and petitioner has not cited any grounds for doing so.

Motion denied.