

ARKANSAS SUPREME COURT

No. 08-144

EDWARD LOVELESS
Appellant

v.

ROY AGEE, ARKANSAS
DEPARTMENT OF CORRECTION
KEEPER OF RECORDS, AND LARRY
NORRIS, DIRECTOR, ARKANSAS
DEPARTMENT OF CORRECTION
Appellees

Opinion Delivered October 30, 2008

PRO SE MOTIONS FOR EXTENSION
OF TIME TO FILE APPELLANT'S
BRIEF, FOR APPOINTMENT OF
COUNSEL AND FOR DUPLICATION
AT STATE EXPENSE [CIRCUIT
COURT OF JEFFERSON COUNTY, CV
2007-781, HON. ROBERT H. WYATT,
JR., JUDGE]

FINAL EXTENSION GRANTED;
MOTION FOR APPOINTMENT OF
COUNSEL DENIED; MOTION FOR
DUPLICATION DENIED.

PER CURIAM

Appellant Edward Loveless, a prisoner incarcerated in the Arkansas Department of Correction, filed a pro se petition for declaratory judgment and writ of mandamus in Jefferson County Circuit Court. The trial court dismissed the petition, and appellant has lodged an appeal of that order in this court. Petitioner previously filed motions requesting an extension of time to file his brief and requesting appointment of counsel, and a later motion to supplement the record. Appellant's request for an extension was granted in part and the motion for counsel denied. *Loveless v. Agee*, 08-144 (Ark. May 1, 2008) (per curiam). His motion to supplement was denied. *Loveless v. Agee*, 08-144 (Ark. May 29, 2008) (per curiam).

Appellant has filed two additional pro se motions in which he seeks extensions of time in which to file his brief and again requests appointment of counsel. Appellant indicated that he

required additional time because of factors related to his incarceration that caused delay. Since filing the motions, appellant has tendered two copies of his brief and has filed a motion to duplicate appellant's brief at public expense.

In appellant's motion requesting that his brief be duplicated at public expense, he indicates that he is indigent and unable to pay the costs of copies. There is no right to have a brief in a civil case duplicated at public expense. *Maxie v. Gaines*, 317 Ark. 229, 876 S.W.2d 572 (1994) (per curiam). In those cases where the indigent appellant is able to make a substantial showing on proper motion that he is entitled to relief and that he cannot provide this court with a sufficient number of copies of the appellant's brief, we will request the Attorney General to duplicate the brief tendered by the appellant. *Id.* Here, appellant has not addressed the merits of his appeal in his motion and has therefore failed to make the requisite showing that he is entitled to relief. We deny the motion for duplication at public expense, but grant the motion as to the extension to allow appellant to submit the additional fifteen copies of the brief that are required. The remaining copies are due here no later than fifteen days from the date of this opinion. No further extensions will be granted.

Appellant additionally renews his request for appointment of counsel. As in his previous motion, appellant does not address the merits of this appeal. As we noted in our opinion on the previous motion for counsel, appellant has failed to make a substantial showing that he is entitled to relief, and, as a result, we do not appoint counsel. *See Howard v. Lockhart*, 300 Ark. 144, 777 S.W.2d 223 (1989) (per curiam). That request in appellant's motion is therefore denied.

Final extension granted; motion for appointment of counsel denied; motion for duplication denied.