

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

THOMAS HAROLD STIGER,
Reg #39053-115

Petitioner

v.

ANTHONY HAYNES, Warden,
FCI - Forrest City

Respondent

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No. 2:13CV00025-SWW-JJV

ORDER

By order entered July 31, 2013, the Court adopted the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe, recommending that the petition in this case be dismissed with prejudice.¹ The Court adopted Judge Volpe’s recommendation after the time for filing objections had expired, and as noted in order of dismissal, no objections were filed.

After dismissal, Petitioner filed a motion for reconsideration (ECF No. 34), asking the Court to vacate the judgment on the ground that the Court failed to mail him a copy of the Proposed Findings and Recommended Disposition. According to the electronic receipt associated with the Proposed Findings and Recommended Disposition, the Clerk of the Court mailed Petitioner a copy of the filing on July 9, 2013, but it appears that Petitioner never received the mailing.

¹Petitioner is an inmate at the Bureau of Prisons (BOP), Forrest City Correctional Institution, and he filed this action seeking habeas relief under 28 U.S.C. § 2241, alleging that he has been eligible for Residential Re-entry Center (RRC) placement since September 21, 2012, and for home confinement on March 22, 2013, but that he is being “unlawfully deprived” of his RRC placement in violation of the First and Fifth Amendments to the United States Constitution and the Second Chance Act, 18 U.S.C. § 3624.

Based on Petitioner's representations, the Court treats his motion for reconsideration as a motion for relief under Rule 60 of the Federal Rules of Civil Procedure.² Rule 60 lists several specific grounds for relief from a final judgment and also provides that relief is available for "any other reason that justifies relief." Fed. R. Civ. P. 60(b)(6).

Accepting Petitioner's representation that he never received a copy of the recommended disposition entered July 9, 2013, it is HEREBY ORDERED that the Clerk of the Court shall mail Petitioner a copy of the Proposed Findings and Recommended Disposition entered in this case on July 9, 2013 (ECF #29), along with a copy of this order. Petitioner has up to and including fourteen (14) days from the date of this order in which to file objections to the Proposed Findings and Recommended Disposition. The Court will consider any timely-filed objections in deciding Petitioner's motion for reconsideration.

IT IS SO ORDERED THIS 7th DAY OF OCTOBER, 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

²Petitioner filed a notice of appeal while the motion for reconsideration was pending. Because the Court construes the motion for reconsideration as a motion for relief from judgment under Rule 60, the notice of appeal does not prevent the Court from considering Petitioner's post-judgment motion, and the notice of appeal will become effective only after the Court disposes of Petitioner's motion. *See* Fed. R. App. P. 4(a)(4).