

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

JOEL KENNETH PARKER, #290281

PLAINTIFF

v.

No. 3:09CV00113 JLH-HLJ

ROBERT PAUDERT, Chief of Police,
West Memphis Police Department, *et al.*

DEFENDANTS

ORDER

Joel Kenneth Parker has filed a motion requesting reconsideration of the order of this Court entered on January 6, 2010, adopting the partial recommended disposition entered by United States Magistrate Judge Henry L. Jones, Jr., on November 19, 2009. Parker previously requested an extension of time within which to file his objections. On December 3, 2009, the Court granted that request and extended the time within which he should file his objections up to and including January 4, 2010. Parker filed nothing further before January 4, 2010, and on January 6, 2010, the Court adopted the partial recommended disposition.

On February 12, 2010, Parker filed a motion requesting reconsideration in which he states that he was barred access from the law library at the place of his detention until January 15, 2010. He has attached documents showing that he and two other inmates were disciplined for using the internet in the law library to access sites that were not permitted, though he denies that he was guilty.

Accepting as true Parker's statement that he did not have access to the law library until January 15, 2010, he still does not state a reason for granting the motion for reconsideration. His motion consists of more than four typed pages and is dated February 8, 2010, which is more than three weeks after his access to the law library was restored on January 15, 2010. Although he had had access to the law library for three weeks and the ability to prepare an extensive motion, Parker

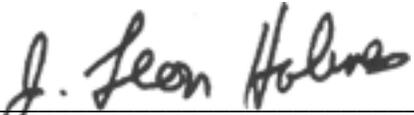
does not state in his motion any basis for concluding that the partial recommended disposition was in error.

The partial recommended disposition noted that in his original complaint Parker named several individuals as defendants but failed to make specific allegations against most of them. In an order dated August 21, 2009, the Court directed Parker to allege his claims against the specific defendants more specifically, using the name of each individual defendant, describing how each individual defendant was involved, and how each individual defendant violated his constitutional rights. As noted in the partial recommended disposition, the amended complaint did not include any allegations against the defendants City of West Memphis, William Johnson, Barbara Robertson, Janet Parker, Pilot Truck Stop, and Pilot Travel Centers LLC. In addition, the partial recommended disposition stated that defendants Robertson, Parker, Pilot Truck Stop, and Pilot Travel Centers LLC appear to be private individuals and therefore not state actors within the meaning of 42 U.S.C. § 1983. The partial recommended disposition also stated that the West Memphis Police Department should be dismissed because it is not a legal entity subject to suit under § 1983. Parker has had several months to state his allegations against the individual defendants with specificity and has failed to do so. He could have written the Court and requested another extension of time before January 4, 2010, but he failed to do so. Having received the Court's order of January 6, 2010, and having had three weeks between the date his law library privileges were restored and the date he signed his motion for reconsideration, he has had ample time to address the two legal points made in the partial recommended disposition, *i.e.*, that some of the defendants were not state actors within the meaning of 42 U.S.C. § 1983 and that the West Memphis Police Department is not a legal entity subject to suit under § 1983. He did not address them at all. Had Parker shown in his motion for

reconsideration that the partial recommended disposition was erroneous, the Court would have set aside the order adopting it, but he has made no such showing.

Therefore, the motion for reconsideration is DENIED. Document #55.

IT IS SO ORDERED this 17th day of March, 2010.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE