

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LARRY NEELY

PETITIONER

vs.

Civil Case No. 4:06CV00953 JTK

DUSTIN McDANIEL,
Attorney General of Arkansas

RESPONDENT

ORDER

Now pending before the Court is Respondent's Motion to Clarify the Scope of the August 18, 2010, Evidentiary Hearing (DE #58). After considering Petitioner's arguments in response, the Court notes that on July 13, 2010, the Court, in clear language, granted Petitioner's Motion for Reconsideration under Rule 59 for the limited purpose of addressing, by way of an evidentiary hearing, "whether Petitioner's counsel provided constitutionally effective advice in procuring [his] guilty plea" (DE #54 at 2). Thus, the parties shall proffer live witness testimony that is limited to this specific issue.¹

IT IS SO ORDERED.

Dated this 9th day of August, 2010.



UNITED STATES MAGISTRATE JUDGE

¹ The parties may proffer affidavit testimony for this purpose if they are unable to secure live testimony.