

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

JAMES S. SCOTT

PETITIONER

vs.

Case No. 4:07-CV-00032-BSM-HLJ

G. DAVID GUNTARP, Director
Arkansas Department of Community Correction;
WILLARD PROCTOR, JR., Circuit Judge, Sixth
Judicial District

RESPONDENTS

ORDER

In his reply to Respondent's argument that his claims are procedurally barred, Petitioner asserts ineffective assistance of counsel as the "cause" for his procedural default. The court directs Petitioner to brief the following question within thirty (30) days: Were the court to find there was sufficient cause for Petitioner's failure to litigate fully the ineffective assistance of counsel claims in his Rule 37 proceeding, what effect, if any, does the Arkansas Supreme Court's finding, and Petitioner's concession, that he could have raised these claims on direct appeal or in a motion for new trial have on this court's ability to reach the issues in the petition? Respondent's reply brief is due within twenty (20) days thereafter.

SO ORDERED this 24th day of November, 2009.


United States Magistrate Judge