

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

**NICHOLAS NNAJI
REG. #97766-079**

PLAINTIFF

V.

NO: 4:07CV00937 BSM

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Before the court is plaintiff Nicholas Nnaji's motion to reconsider the court's order dated April 17, 2009, adopting the proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young. Plaintiff asserts that the court adopted the magistrate judge's recommendation without considering his objections. The court notes that plaintiff's objections were originally due on March 31, 2009, but the court extended the deadline to April 14, 2009, upon timely motion of the plaintiff. Plaintiff's request for extension of time to file his objections was filed with the court on April 16, 2009. The court notes, however, that the request for extension was not entered until April 17, 2009, the same day that the court adopted the magistrate judge's recommendation. Plaintiff's objections were filed with the court on April 20, 2009. Plaintiff asserts that he put his objections in the prison's mail box on April 14, 2009, and thus, the motion should be deemed filed on that date.

Plaintiff also states that he never received a response to his requests for a copy of the transcript of the evidentiary hearing. The court notes, however, that the court entered an order on April 1, 2009, granting plaintiff's request for a copy of the declaration filed in the

case, but denying plaintiff's request for a transcript of the evidentiary hearing. The docket reflects that this order and a copy of the declaration were mailed to plaintiff. On April 9, 2009, the court entered an order denying plaintiff's second request for a copy of the evidentiary hearing transcript. The docket reflects that this order was also mailed to plaintiff.

In an abundance of caution, the court has reviewed plaintiff's objections. The court finds, however, that even if it would have considered the objections prior to determining whether to adopt the magistrate's recommendation, the court still would have adopted the magistrate's recommendation. Therefore, plaintiff's motion is denied.

Accordingly, plaintiff's motion for reconsideration (Doc. No. 117) is denied.

DATED this 8th day of June, 2009.


UNITED STATES DISTRICT JUDGE