

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

ARTIE JACKSON,	*	
	*	
Petitioner,	*	
vs.	*	No. 4:08-cv-03319-SWW
	*	
	*	
RAY HOBBS, Director,	*	
Arkansas Department of Correction,	*	
	*	
Respondent.	*	

ORDER

On August 26, 2010, United States District Judge G. Thomas Eisele entered an amended judgment [doc.#36] granting petitioner Artie Jackson's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The judgment set aside Mr. Jackson's state court convictions for first-degree sexual abuse and second-degree sexual assault of a minor child, for which he had been sentenced to ten years imprisonment and twenty years of probation. The Court also released Mr. Jackson from the Arkansas Department of Correction on a personal recognizance bond pursuant to Fed.R.App.P. 23(c).

On August 25, 2011, the United States Court of Appeals for the Eighth Circuit reversed the Court's judgment and denied Mr. Jackson's petition for writ of habeas corpus. Mr. Jackson filed a petition for rehearing en banc. That petition was denied on October 17, 2011, and the Eighth Circuit issued its formal mandate on October 24, 2011.

On October 25, 2011, Mr. Jackson filed a motion to recall the mandate while he petitioned the Supreme Court of the United States for certiorari. On November 9, 2011, the Eighth Circuit granted Mr. Jackson's motion to recall the mandate pending action by the Supreme Court and allowed Mr. Jackson to remain free on bond. Meanwhile, on October 27,

2011, the action was reassigned to this Court due to the retirement of Judge Eisele.

On February 21, 2012, the Supreme Court denied Mr. Jackson's petition for certiorari. On February 24, 2012, the Eighth Circuit issue its formal mandate in accordance with its opinion and judgment of August 25, 2011.

Now before the Court is the motion of respondent [doc.#59] for judgment dismissing petition for writ of habeas corpus, revoking personal recognizance bond, and directing Mr. Jackson to surrender to state custody. As Mr. Jackson has exhausted his legal appeals, respondent's motion is hereby granted. Accordingly, in accordance with the Eighth Circuit's opinion and judgment of August 25, 2011, and its formal mandate of February 24, 2012, the Court denies Mr. Jackson's petition for writ of habeas corpus and revokes Mr. Jackson's personal recognizance bond. The Court additionally orders Mr. Jackson to surrender to the Pulaski County Detention Center in Little Rock, Arkansas, on or before 12:00 p.m. on Monday, March 12, 2012, to complete his sentence in the Arkansas Department of Correction. Judgment will be entered accordingly.

IT IS SO ORDERED this 2nd day of March 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE