

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

DAVID DEWAYNE OCKERMAN

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Plaintiff

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V.

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NO: 4:11CV00451 SWW

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RYAN BAKER

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Defendant

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ORDER

By order and judgment entered October 16, 2012, the Court granted Defendant’s motion for summary judgment and dismissed this action with prejudice. Now before the Court is Plaintiff’s motion for reconsideration (docket entry #30) and Defendant’s response in opposition (docket entry #31). In support of his motion, Plaintiff states that he received Defendant’s motion for summary judgment on September 12, 2012 because Defendant originally mailed the motion to the wrong address. Plaintiff also reports that he has attempted, without success, to hire an attorney to represent him in this case.

Plaintiff assumes that the Court granted Defendant’s motion for summary judgment solely because he failed to file a response in opposition to the motion. However, the order entered October 16, 2012 makes clear that dismissal in this case was based on the merits--not Plaintiff’s failure to respond. In deciding Defendant’s motion, the Court carefully examined the record and concluded that no genuine issues exist for trial. The Court finds no basis for

reconsideration.

IT IS THEREFORE ORDERED that Plaintiff's motion for reconsideration (docket entry #30) is DENIED.

IT IS SO ORDERED THIS 5th DAY OF NOVEMBER, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE