

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

JIMMY SHANE CANTRELL
ADC #98730

PLAINTIFF

v.

NO. 5:05CV00169 JLH-HDY

M.D. REED, Warden, Cummins Unit,
Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

On May 9, 2011, United States Magistrate Judge H. David Young entered an order granting the motion of Jimmy Shane Cantrell to remove his current counsel and denying his motion for appointment of new counsel. Cantrell promptly filed a motion for reconsideration, which was denied on May 12, 2011, by Magistrate Judge Young. Cantrell has now filed objections to the Magistrate Judge Young's orders (Documents #186 and #190).

Rule 72(a) of the Federal Rules of Civil Procedure and Local Rule 72.1.VII.B provide that an objection to a magistrate judge's determination of a non-dispositive matter must be served and filed within fourteen days after service of a copy of the order. Rule 6(d) provides that in some circumstances an additional three days is added to the period otherwise would expire. Rule 6(a)(1)(C) provides that if the last day of a period is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

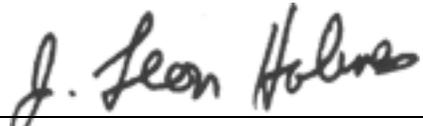
As mentioned, the two orders to which Cantrell objects were entered on May 9, 2011, and May 12, 2011. Each was mailed on the day it was entered. Taking the latest of these dates, May 12, fourteen days later would make the deadline for an objection to be May 26, 2011. Adding three additional days would make the deadline for any objections May 29, 2011. May 29, 2011, was a

Sunday, and May 30, 2011, was a federal holiday, so the deadline for Cantrell to file his objections would be extended to May 31, 2011.

Cantrell's objections were docketed on June 9, 2011. However, he has dated his signature as June 5, 2011, and his certificate of service states that he mailed his objections on June 5, 2011. Following the prison mailbox rule, the Court will accept Cantrell's objections as filed on June 5, 2011. They were due, however, on May 31, 2011. Cantrell's objections are therefore untimely.

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure and Local Rule 72.1.VII.B, Cantrell's objections to the orders of the magistrate judge entered as Document #186 and Document #190 are denied as untimely.

IT IS SO ORDERED this 14th day of June, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE