

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**LISA BARNES-MCNEELY**

**PLAINTIFF**

**v.**

**Case No.: 5:08-cv-00318-BSM**

**ARKANSAS DEPARMENT OF HEALTH  
AND HUMAN SERVICES, Pine Bluff Division, et al.**

**DEFENDANTS**

**ORDER**

Lisa Barnes-McNeely moves [Doc. No. 34] to set aside the March 27, 2009 judgment [Doc. No. 18] dismissing her complaint for lack of jurisdiction and failure to state a claim. Her motion is DENIED.

Barnes-McNeely previously requested a reconsideration of the judgment dismissing her case on April 1, 2009. [Doc. No. 20]. A few days after requesting reconsideration Barnes-McNeely appealed to the Eighth Circuit Court of Appeals. While on appeal, this court denied her motion for reconsideration. [Doc. No. 28]. A few months later, the Eighth Circuit affirmed the dismissal of her case [Doc. Nos. 30, 31]. Barnes-McNeely then petitioned for a writ of certiorari from the United States Supreme Court. The Supreme Court denied the petition on October 21, 2009. Seven days later, Barnes McNeely filed the current motion to set aside the March 27, 2009 judgment. [Doc. No. 34].

Barnes-McNeely has presented no new evidence or arguments that would warrant setting aside the carefully considered, reconsidered, and affirmed judgment dismissing her complaint. Persistence alone is insufficient to alter the facts of her case. Therefore, her motion [Doc. No. 34] to set aside the judgment is DENIED.

IT IS SO ORDERED this 19th day of November, 2010.

*Brian S. Miller*  
UNITED STATES DISTRICT JUDGE