

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

KE'ONDRA M. CHESTANG

PETITIONER

V.

NO. 5:09cv00219 HLJ

LARRY NORRIS, Director,  
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Henry L. Jones, Jr., and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

IT IS THEREFORE ORDERED that Judgment shall be entered granting Respondent's Motion to Dismiss (DE #14) and dismissing this petition for a writ of habeas corpus in its entirety, with prejudice.

IT IS FURTHER ORDERED that Petitioner's Motion for Entry of Default (DE #17), Motion to Enter a Default Judgment (DE #21), Motion to Schedule Appeal Bond Hearing Date (DE #19), Motion to Schedule Evidentiary Hearing (DE #20), and Motion for Emergency Hearing (DE #25) are hereby denied.

IT IS FURTHER ORDERED that Petitioner's Motion for Hearing (DE # 28), which was filed with his objections, is hereby denied.<sup>1</sup>

Dated this 23<sup>rd</sup> day of November, 2009.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> In his Findings and Recommendations, Judge Jones noted that *Parmley v. Norris*, 2008 WL 2561964 (W.D. Ark. June 24, 2008), which held that the Arkansas Court of Appeals is not a court of last resort, is currently on appeal to the United States Court of Appeals for the Eighth Circuit. After Judge Jones issued his Findings and Recommendation, the Eighth Circuit decided *Parmley* and held that the Arkansas Court of Appeals is not a court of last resort and therefore the statute of limitations began running immediately after the Arkansas Court of Appeals denied *Parmley's* motion for rehearing and was not tolled 90 days for *Parmley* to file a petition for writ of certiorari to the U.S. Supreme Court as the U.S. Supreme Court's review is limited to judgments of a state court of last resort. *Parmley v. Norris*, No. 08-3107, Slip. Op. (8<sup>th</sup> Cir. Nov. 16, 2009).