

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

JAMES EDWARD SMITH,)	
)	
ADC # 103093)	Case No. 5:10-CV-00199 JTK
Petitioner,)	
v.)	
)	
RAY HOBBS, Director, Arkansas)	
Department of Correction)	
Respondent.)	

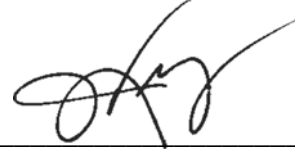
ORDER DENYING MOTION FOR RECONSIDERATION

BEFORE THE COURT is Petitioner’s Motion for Reconsideration (Doc. No. 49) of the Court’s Order Dismissing the Petition for Habeas Corpus (Doc. No. 46). After reviewing Petitioner’s motion and the previous order, the Court finds no basis for reconsidering the dismissal of the petition.

The order of dismissal sufficiently explained why the Court found that 1) there has been no enhancement of Petitioner’s sentence, 2) Petitioner had failed to exhaust his remedies, and 3) Petitioner failed to raise any issues of federal law. Petitioner also appears to takes issue with the fact that his action, which was originally filed under 42 U.S.C. § 1983, was converted to a habeas petition by the Court (Doc. No. 3). The order that made this change explained that doing so was proper because Petitioner sought injunctive relief solely concerning the execution of his sentence. “[Section] 1983 must yield to the more specific federal habeas statute, with its attendant procedural and exhaustion requirements, where an inmate seeks injunctive relief challenging the fact of his conviction or the duration of his sentence.” *Nelson v. Campbell*, 541 U.S. 637, 643 (2004).

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration (Doc. No. 49) be DENIED.

SO ORDERED this 14th day of May, 2012.



United States Magistrate Judge