

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

RUFUS GRAY

PETITIONER

V.

CASE NO. 5:10CV00218 JTK

RAY HOBBS, Director
Arkansas Department of Correction

RESPONDENT

ORDER

Pending are Petitioner's Motion for Reconsideration (DE #24) of the Order denying a hearing (DE #18) and a second Motion to Appoint Counsel (DE #25). Both motions are denied.

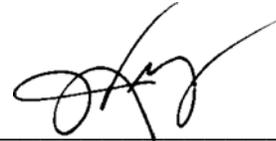
On November 16, 2010, the parties consented to the jurisdiction of the magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. §636 (c) and Fed. R. Civ. P. 73 (DE #12). For Petitioner's edification, when a judgment is made by the magistrate judge who has jurisdiction pursuant to consent, you may appeal that decision directly to the United States Court of Appeals like any other judgment of the United States District Court.

On February 17, 2001, Petitioner filed a Notice of Appeal (DE # 20) with the Eighth Circuit Court of Appeals from the Order denying a hearing (DE #18). The Eighth Circuit dismissed the appeal for lack of jurisdiction (DE #23). Petitioner has now filed a Notice of Appeal from that same decision to the district court "or the court having jurisdiction over these proceedings at this time" (DE #26). As explained above, the magistrate judge has jurisdiction over the proceedings, and again denies reconsideration of the motion for hearing.

Further, as stated in previous Orders, should a determination be made at a later date that a hearing and/or appointment of counsel are/is necessary, the court will so order.

WHEREFORE, Petitioner's Motion for Reconsideration (DE #24) and Motion to Appoint Counsel (DE #25) are DENIED.

SO ORDERED this 10th day of March, 2011.



UNITED STATES MAGISTRATE JUDGE