

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

**ALBERT HERNANDEZ
ADC # 65214**

PLAINTIFF

v.

No. 5:11CV00075 JMM

**D. GOLDEN, Deputy Warden, Diagnostic Unit,
Arkansas Department of Correction; and
ARKANSAS DEPARTMENT OF CORRECTION**

DEFENDANTS

ORDER

Pending is Plaintiff's *pro se* motion to set aside the Judgment entered by the United States Court of Appeals for the Eighth Circuit. (Docket # 12). Plaintiff initially filed this action against the above named defendants on March 29, 2011. By order entered April 6, 2011 the Court dismissed Plaintiff's action pursuant to the three-strikes rule set forth in 28 U.S.C. §1915(g). Plaintiff filed a notice of appeal and the Eighth Circuit Court of Appeals dismissed the appeal for failure to prosecute. This case is closed and the Court has no jurisdiction to consider Plaintiff's motion. Accordingly, Plaintiff's motion is DENIED.

IT IS SO ORDERED this 9th day of August, 2011.


UNITED STATES DISTRICT JUDGE