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

DEMETRIUS CURTIS **PETITIONER**

v. **No. 5:14-cv-294-DPM**

RAY HOBBS, Director of the
Arkansas Department of Corrections **RESPONDENT**

ORDER

The day after this Court adopted Magistrate Judge Young's recommendation and dismissed Curtis's amended habeas petition without prejudice, *№ 16 & 17*, the Clerk received and filed another objecting document from Curtis. That document, *№ 18*, was filed as a motion for reconsideration. Curtis repeats his arguments against dismissal based on available state remedies and supplements with a copy of the Chicot County Circuit Court's recent order denying his petition for mandamus for lack of jurisdiction. *№ 18 at 2*. (The order's title says it is also granting Curtis permission to file a habeas petition; this is murky because Curtis filed a state habeas petition, which was denied in August. *№ 18 at 1*; *№ 8 at 3*.) Curtis can test the correctness of that no-jurisdiction ruling* by a timely appeal in the Arkansas courts. So there's

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* *See, e.g.*, Ark. Code Ann. § 16-115-102; *Davis v. Mabry*, 266 Ark. 487, 585 S.W.2d 949 (1979), *overruled on other grounds in the supplemental opinion on denial of rehearing*, *Bosnick v. Lockhart*, 283 Ark. 206, 677 S.W.2d 292 (1984); *Manila School District Number Fifteen v. White*, 338 Ark. 195, 992 S.W.2d 125 (1999).

still no exhaustion yet. Curtis's motion for reconsideration, *№ 18*, is denied.

So Ordered.

D.P. Marshall Jr.
United States District Judge

11 November 2014