

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

LOUIS RICARDO BUTLER

PETITIONER

v.

No. 5:15-cv-285-DPM

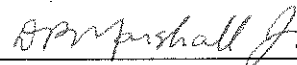
WENDY KELLEY, Director of the
Arkansas Department of Correction

RESPONDENT

ORDER

The Court concluded that the year-long gap between the Arkansas Supreme Court's decision on Butler's Rule 37 appeal and the filing of his federal *habeas* petition precluded a diligence finding. *No. 22*. Butler's *habeas* lawyer now falls on his sword, saying the gap was his fault, not a reflection of Butler's diligence. He documents many contacts with Butler and his family during the relevant year. The equitable-tolling cases are strict, though. And a lawyer's miscalculating the limitations period "is simply not sufficient to warrant equitable tolling." *Lawrence v. Florida*, 549 U.S. 327, 336-37 (2007). Butler's motion to vacate the judgment, *No. 24*, is therefore denied.

So Ordered.



D.P. Marshall Jr.
United States District Judge

20 December 2016