

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

EUGENE ISSAC PITTS,
ADC #73537

PETITIONER

v.

No. 5:15-cv-354-DPM

DEXTER PAYNE, Director,
Arkansas Division of Correction

RESPONDENT

ORDER

1. Before the Court is Pitts's motion to amend, which the Court treats as one made under Federal Rules of Civil Procedure 59(e). *BBCA, Inc. v. United States*, 954 F.2d 1429, 1432 (8th Cir. 1992). This Court has jurisdiction even though Pitts subsequently filed a notice of appeal. FED. R. APP. P. 4(a)(4); 11 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 2821 (3d ed. 2022). His motion to correct or clarify the record, *Doc. 82*, is denied as moot.

2. The Court stands by its conclusions in the final Order and Judgment, *Doc. 75 & 76*. Pitts repeats the same arguments that this Court has considered and rejected. He may raise those issues with the Court of Appeals. *Doc. 75 at 5*. The motion to amend, *Doc. 77*, is denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

28 June 2022