

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

RICKEY DALE NEWMAN

PETITIONER

V.

CIVIL NO. 05-2107

WENDY KELLEY, Director  
Arkansas Department of Corrections<sup>1</sup>

RESPONDENT

**ORDER**

The above referenced matter comes on for this Court's consideration of the Motion to Dismiss Petition for Writ of Habeas Corpus (ECF 109) filed by the respondent on November 12, 2014, and the petitioner's Response to Motion to Dismiss Petition for Writ of Habeas Corpus (ECF 111) filed on February 11, 2015. The Court, having reviewed the pleadings, finds and orders that the motion should be, and hereby is, **granted** for the reasons set forth below.

Rickey Dale Newman filed his Petition for Writ of Habeas Corpus before this Court on December 30, 2005. In the petition, he challenged the June 10, 2002 judgment of the Circuit Court of Crawford County, Arkansas, convicting him of one count of Capital Murder and imposing a sentence of death.

In an order dated February 3, 2009, this Court found certain claims asserted by Newman to be unexhausted. Those claims were dismissed and the remaining claims were stayed on two conditions:

---

<sup>1</sup>Wendy Kelley was officially named the Director of the Arkansas Department of Corrections on January 13, 2015. The Clerk of the Court is directed to amend the docket sheet accordingly.

(1) that Newman seek relief on his unexhausted claims with the State of Arkansas; and (2) that Newman act within 30 days of the full exhaustion of the dismissed claims at the state level to seek to have the stay lifted by this Court on the remaining claims.

Newman returned to state court; and, on January 16, 2014, the Arkansas Supreme Court vacated Newman's conviction and death sentence and remanded the case to the Circuit Court of Crawford County for a new trial.

The respondent now asks this Court to lift the stay in this matter and dismiss Newman's petition for writ of habeas corpus. The petitioner has responded; because the judgment that is the subject of the petition for writ of habeas corpus has been vacated, the petitioner asserts that the petition has been rendered moot. The petitioner, therefore, agrees with the respondent's requested relief.

For those reasons, the motion is **granted** and the petition is **dismissed**.

IT IS SO ORDERED this 18<sup>th</sup> day of February, 2015.

/s/ Robert T. Dawson  
Robert T. Dawson  
United States District Judge