

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JEFFREY NOIEL

PLAINTIFF

v.

CASE NO. 93-4039

JACK JONES, Arkansas Parole Officer
and
MARY NODURTH, Assistant Parole Administrator

DEFENDANTS

ORDER

Now before the Court is the Motion to Reopen Case. (Doc. 28). Plaintiff seeks to reopen his case, which was administratively terminated in 1993, to allow Plaintiff to file a habeas corpus petition. Plaintiff filed that petition, case number 4:94-cv-04092-HFB, on August 25, 1994. His habeas case was dismissed by the District Court on December 15, 1994 for lack of jurisdiction and Plaintiff did not satisfy the “in custody” requirement. (*See* Docs. 17 and 18 in 94-cv-04092). The District Court’s ruling was affirmed by the Eighth Circuit Court of Appeals on September 3, 1996.

Plaintiff, in his Motion to Reopen Case, appears to make a similar argument regarding his “in custody” status as was rejected by the District Court and the Eighth Circuit Court of Appeals over a decade ago. Plaintiff raises no new information, and presents no new argument or evidence which was not available to him at the time of his original case. Moreover, Plaintiff has previously filed a Motion to Reopen in this case, and was directed to file any appropriate motion within thirty days of the appellate mandate in case no 4:94-cv-04092-HFB. The last appellate decision in 4:04-cv-04092 was on March 5, 2003. Clearly Plaintiff is beyond the time previously allotted. The Motion to Reopen Case (Doc. 28) is **DENIED**.

IT IS SO ORDERED this 20th day of November, 2008.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE