Wilkinson v. Phillips Doc. 28

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

TEXARKANA DIVISION

TODD D. WILKINSON

**PLAINTIFF** 

v.

Case No.: 4:07-cv-4098

LOUISE PHILLIPS

DEFENDANT

ORDER

Now before the Court is Defendant's Motion for Reconsideration. (Doc. 27). This Court

issued a Memorandum Opinion and Order on October 8, 2008. (Doc. 26). The Court found genuine

issues of fact existed in Plaintiff's case, and denied Defendant's Motion for Summary Judgment.

Defendant now seeks reconsideration of the Courts Order. Defendant argues Plaintiff's

claims of denial of access to the courts should be dismissed on Summary Judgment because

Plaintiff's claim concerns criminal proceedings for which Plaintiff had attorney representation.

However, in his Response to Defendant's Motion for Summary Judgment (Doc. 23),

Plaintiff stated he did not have an attorney representing him on the charges for which he sought to

use the law library. (Doc. 23, questions 2, 4). Plaintiff stated his attorney in Arkansas

recommended he seek to use the law library, but this attorney apparently did not represent Plaintiff

on his Texas misdemeanor charges. (Doc. 24, 23). Accordingly, Defendant's Motion for

Reconsideration (Doc. 27) is DENIED.

IT IS SO ORDERED this 17th day of October 2008.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT

U.S. MAGISTRATE JUDGE