

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

ERIC L. WHITE

PLAINTIFF

VS.

CASE NO. 12-CV-4061

SHERIFF RON STOVALL; and  
ARKANSAS DEPARTMENT OF  
COMMUNITY CORRECTIONS

DEFENDANTS

**ORDER**

Before the Court is Plaintiff's Motion for Reconsideration. (ECF No. 23). Plaintiff requests that the Court reconsider its order adopting the Report and Recommendations (ECF No. 21) and denying Plaintiff's Motion for Leave to Appeal IFP and Motion to Extend Time to Appeal. Defendants have not responded to the motion, and the time for response has passed. The Court finds that the matter is ripe for its consideration.

The Court issued an order dismissing Plaintiff's Complaint on May 2, 2013. (ECF No. 15). On June 14, 2013, Plaintiff filed a Motion for Leave to Appeal IFP. (ECF No. 16). Then, on June 25, 2013, Plaintiff filed a Notice of Appeal and a Motion to Extend Time to Appeal the May 2, 2013 order. (ECF Nos. 18 and 19). These motions were referred to the Magistrate Judge, and the Court entered an order adopting the Report and Recommendations and denying Plaintiff's Motion for Leave to Appeal IFP and Motion to Extend Time to Appeal. (ECF No. 21). Plaintiff now moves the Court to reconsider this order.<sup>1</sup>

Plaintiff states that he did not timely appeal the Court's May 2, 2013 order because he did not receive the order until June 13, 2013. Plaintiff further states that other persons living in his

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<sup>1</sup>While Plaintiff's Motion for Reconsideration was pending, the United States Court of Appeals for the Eighth Circuit entered an order dismissing Plaintiff's appeal as untimely and denying Plaintiff's Petition for Rehearing. (ECF Nos. 25 and 26).

house may have received the order and not given it to him on time. Federal Rule of Appellate Procedure 4(a)(5)(A) requires parties to show excusable neglect or good cause why the motion to extend time for appeal should be granted. Plaintiff has failed to meet this requirement. Additionally, as was discussed in greater detail in the Report and Recommendation filed on March 29, 2013, all of Plaintiff's claims were subject to dismissal as frivolous. (ECF No. 13). Accordingly, the Court finds that Plaintiff's Motion for Reconsideration (ECF No. 23) is **DENIED**.

**IT IS SO ORDERED**, this 7th day of January, 2013.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge