

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

KENNETH WHITE

PETITIONER

vs.

Case No. 4:16-cv-4067

**WENDY KELLY, Director
Arkansas Department of Correction**

RESPONDENT

ORDER

BEFORE the Court are the following motions filed by Petitioner: Motion to Appoint Counsel (ECF No. 7), Motion to Enter as Exhibit (ECF No. 10), Motion to Order Defendant to Answer (ECF No. 12), Motion to Enter as Exhibit (ECF No. 14), Motion to Compel (ECF No. 15), Motion to Enter as Exhibit (ECF No. 16), Motion to Amend or Correct Supplement (ECF No. 17), and Motion to Enter Grievance as Evidence (ECF No. 19). There has been no response to any of the Motions. The Court rules as follows:

1. Motion to Appoint Counsel (ECF No. 7): Pursuant to Rule 6 of the Rules Governing Section 2254 Cases, counsel should be appointed "if necessary for effective discovery." No discovery appears to be necessary in this case. Petitioner has adequately stated the grounds for relief and the facts supporting those grounds for relief. There is a pending Motion to Dismiss the Petition. Further, the Court has not determined whether a hearing in this matter will be ordered. Accordingly, Petitioner's Motion to Appoint Counsel (ECF No. 7) is **DENIED**. Should a hearing be ordered in this matter the Court will revisit the issue of appointment of counsel.

2. Motion(s) to Enter as Exhibit (ECF Nos. 10, 14, 16, and 19): Petitioner filed his original

Petition on July 7, 2016, and his Supplemental Petition on August 16, 2016. Thereafter, he filed the four pending motions to “enter as exhibit”. With each of these motions Petitioner requests he be allowed to supplement his Petition with argument and a specific exhibit. I note Petitioner has already filed one Supplemental Petition. I find the four Motion(s) to Enter as Exhibit (ECF Nos. 10, 14, 16, and 19) should be **GRANTED**. The Court will consider each of these as supplements to his claims in this matter.

3. Motion to Order Defendant to Answer (ECF No. 12): This Motion is **DENIED**. Respondent has properly responded to the Petition by filing a Motion to Dismiss.

4. Motion to Compel (ECF No. 15): With this Motion Petitioner seeks to compel this Court to rule on a Motion he filed on August 15, 2016. While there were no motions actually filed on August 15, 2016, the Court will rule on all matters pending before it in due course. The Motion to Compel (ECF No. 15) is **DENIED**.

5. Motion to Amend or Correct Supplement (ECF No. 17): This Motion to Amend or Correct Supplement (ECF No. 17) is **GRANTED** and the Court will consider it as a second supplement to the original Petition.

6. Future Motions to Amend, Supplement or provide Exhibits: Petitioner has filed an original petition, two supplements and four motions offering exhibits in support of his claims. A party is not entitled to unlimited filings amending or supplementing his claims. **IT IS ORDERED THAT Petitioner file no further amendment, supplement or exhibit in support of his Petition until directed by the Court to do so. Any such amendment, supplement or exhibit in support of his Petition will be subject to summary denial. Repeated violations of this Order may result in dismissal of the Petition for failure to follow an Order of the Court.**

IT IS SO ORDERED this **20th day of January 2017**

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