

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

KAIRI WAYNE WEBSTER

PLAINTIFF

v.

CASE NO. 4:16-cv-04100

SHERIFF RON STOVALL, *et al.*

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed August 28, 2018, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 22. Judge Bryant recommends that Plaintiff's Motion for Leave to File Appeal Out of Time¹ (ECF No. 20) be denied pursuant to the timing provisions of Federal Rule of Appellate Procedure 4. Judge Bryant also recommends that the Court direct the Clerk of Court to refund to Plaintiff all funds that have been withdrawn from Plaintiff's prison account for the collection of the appellate filing fee.

Plaintiff has filed timely objections (ECF No. 23), however, those objections are not specific. In his objections, Plaintiff merely asserts that he has limited knowledge and understanding of the time requirements and procedures for filing motions and that he would like counsel to be appointed to assist him in prosecuting the present matter. Upon consideration, the Court finds that Plaintiff's objections are non-responsive and should be overruled. Accordingly, upon review, the

¹ On February 8, 2017, the Court, adopting a Report and Recommendation, dismissed the instant action with prejudice over Plaintiff's non-responsive objections. ECF No. 15. Thereafter, on March 2, 2017, Judge Bryant entered an order granting Plaintiff's motion to proceed *in forma pauperis* on appeal. ECF No. 17. However, Plaintiff never filed a notice of appeal.

Court adopts Judge Bryant's Report and Recommendation *in toto*. Therefore, Plaintiffs Motion for Leave to File Appeal Out of Time (ECF No. 20) is hereby **DENIED** and the Clerk of Court is **DIRECTED** to refund to Plaintiff all funds that have been withdrawn from Plaintiff's prison account for the collection of the appellate filing fee.

IT IS SO ORDERED, this 6th day of September, 2018.

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