

**SUPREME COURT OF ARKANSAS**

No. CR09-1147

DAVID R. LIVELY

PETITIONER

v.

HON. GRISHAM PHILLIPS, CIRCUIT  
JUDGE

RESPONDENT

**Opinion Delivered** December 3, 2009

PRO SE PETITION FOR WRIT OF  
MANDAMUS [CIRCUIT COURT OF  
SALINE COUNTY, CR 2008-214, CR  
2008-266]

PETITION DISMISSED.

**PER CURIAM**

On October 19, 2009, petitioner David R. Lively filed a pro se petition for writ of mandamus in this court contending that the Honorable Grisham Phillips, Circuit Judge, had failed to act within a reasonable time on a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 filed by petitioner on July 8, 2009. In his response to the mandamus petition, Judge Phillips avers that, contrary to the Certificate of Service appended to the mandamus petition, petitioner had not served him with a copy of the petition for writ of mandamus.

It was petitioner's responsibility pursuant to Arkansas Supreme Court Rule 6-1(a) (2009) to serve the respondent with a copy of the mandamus petition and to provide a Certificate of Service reflecting that he had done so. Although petitioner was advised by



Cite as 2009 Ark. 609

respondent's response to the mandamus petition of his failure to comply with this rule, he has not shown that he has taken remedial action. As a result, the petition for writ of mandamus is dismissed.

Petition dismissed.

*David R. Lively*, pro se petitioner.

No response.