

Cite as 2009 Ark. 253 (unpublished)

# ARKANSAS SUPREME COURT

No. 09-75

TOMMY HALL  
Petitioner

v.

KIRK D. JOHNSON, CIRCUIT JUDGE  
Respondent

**Opinion Delivered** April 30, 2009

PRO SE MOTIONS FOR CERTIFIED  
COPIES [CIRCUIT COURT OF  
MILLER COUNTY, CV 2005-310]

MOTIONS DENIED.

## PER CURIAM

On January 27, 2009, petitioner Tommy Hall filed in this court a pro se petition for writ of mandamus against the Honorable Kirk D. Johnson, Circuit Judge, alleging that Judge Johnson had failed to act in a timely manner on certain motions filed in Miller County Circuit Court. Judge Johnson filed a response to the mandamus petition that indicated that he was not properly served. After the response was filed, petitioner filed a motion in which he sought to have this court compel the Miller County Circuit Clerk to provide him with certified copies of certain documents that he had requested. The petition was dismissed based upon the petitioner's failure to properly serve the respondent and the motion was therefore moot. *Hall v. Johnson*, 09-75 (Ark. Mar. 12, 2009) (unpublished per curiam).

Now petitioner has filed the pending motions in which he asks that we provide him with certified copies of the documents that made up the record in the mandamus proceeding so that he may perfect an appeal from an order in circuit court. Petitioner acknowledges that



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he is not entitled to receive the copies from this court, but asserts that the circuit clerk refuses to provide him with the copies. In essence, petitioner requests that we treat the documents as the record for a possible appeal from the order in circuit court because he requests that we return the original documents that he filed as the record to him. Should petitioner elect to proceed with an appeal from a circuit court order, he is responsible for timely filing a notice of appeal and obtaining from the circuit clerk the certified record necessary to perfect the appeal. Any allegations concerning a breach of duty by the circuit clerk should be addressed to the circuit court.

There is no provision in the prevailing rules of procedure for this court to take documents from a record lodged in this court and permit those documents to form the record for a separate appeal or to return the record to a petitioner after the court has acted. The record lodged is not the property of an appellant or petitioner, and a petitioner has no absolute right to a personal copy of it, or to utilize it for another filing. *See Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). Petitioner has shown no reason for exception in this case. Accordingly, we deny the motion.

Motions denied.