

ARKANSAS SUPREME COURT

No. 08-733

JAMES E. SMITH
Appellant

v.

LARRY NORRIS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION
Appellee

Opinion Delivered January 30, 2009

PRO SE MOTIONS FOR STATUS OF
CASE, FOR RECONSIDERATION OF
DISMISSAL OF APPEAL, AND TO
COMPEL RESPONSE [CIRCUIT
COURT OF JEFFERSON COUNTY, CV
2008-58, HON. JODI RAINES DENNIS,
JUDGE]

MOTION FOR STATUS MOOT;
MOTION FOR RECONSIDERATION
DENIED; MOTION TO COMPEL
RESPONSE MOOT.

PER CURIAM

Appellant James E. Smith filed a pro se petition for writ of habeas corpus in the circuit court of Jefferson County and the circuit court dismissed the petition. Appellant lodged an appeal of that order in this court and we dismissed the appeal. *Smith v. Norris*, 08-733 (Ark. Oct. 30, 2008) (per curiam). Appellant filed a pro se motion requesting the status of the case shortly before our order was entered, which was rendered moot by the decision. In later pro se motions, appellant requests reconsideration of the dismissal of his appeal and seeks to compel the appellee to provide a response to his motion.

In his motion requesting our reconsideration of the dismissal of his appeal, appellant states new grounds which he contends would support habeas relief. Our previous decision was based upon the failure of the petition to state grounds upon which the writ could issue. Appellant does not argue that we erred in determining that the grounds stated in the petition did not support relief or that the

grounds he lists in the motion were included within the petition. This court has repeatedly stated that we will not address arguments, even constitutional arguments, raised for the first time on appeal. *Dowty v. State*, 363 Ark. 1, 210 S.W.3d 850 (2005); *see also Standridge v. State*, 357 Ark. 105, 161 S.W.3d 815 (2004). We need not reconsider our holding on the dismissal of the appeal based upon arguments not presented to the trial court. Because there is no basis to reconsider the dismissal of the appeal, we deny the motion for reconsideration. The motion to compel response is therefore moot.

Motion for status moot; motion for reconsideration denied; motion to compel response moot.