

ARKANSAS SUPREME COURT

No. 08-1286

LANCE MITCHELL OWENS
Petitioner

v.

LESLIE STEEN, CLERK OF THE
ARKANSAS SUPREME COURT
Respondent

Opinion Delivered February 5, 2009

PRO SE MOTION FOR RULE ON
CLERK [CIRCUIT COURT OF
BENTON COUNTY]

MOTION DENIED.

PER CURIAM

Petitioner Lance Mitchell Owens tendered to this court a pro se petition for writ of mandamus in which he sought to compel Brenda DeShields, the Benton County Circuit Clerk, to file certain documents in that court. Our clerk refused to file the petition because petitioner did not tender a partial record from the circuit court with the petition. Petitioner then filed this pro se motion for rule on clerk seeking to compel our clerk to file the writ of mandamus.

Our Rule 6-1(a) provides that in cases in which the jurisdiction of the court is in fact appellate although in form original, such as petitions for writs of prohibition, certiorari, or mandamus, the pleadings with certified exhibits from the trial court are treated as the record. *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999) (per curiam). Without a certified record, this court has no basis to assume jurisdiction of the matter. *Id.* For this court to assume jurisdiction under our Rule 6-5, petitioner must provide specific law or precedent providing authority to proceed under this court's original jurisdiction. *Jackson v. Tucker*, 325 Ark. 318, 927 S.W.2d 336 (1996) (per curiam).

Finally, under a court of last resort's third type of jurisdiction, this court exercises superintending jurisdiction only with caution and forbearance to further justice and to secure order and regularity in judicial proceedings where no ordinary remedies are adequate. *Foster v. Hill*, 372 Ark. 263, ___ S.W.3d ___ (2008).

Petitioner has provided no certified record to establish that the circuit court has exceeded its authority. Petitioner provides no authority or precedent that confers original jurisdiction under Rule 6-5. Although petitioner contends that he has exhausted his remedies, he does not provide a sufficient showing that a proceeding in circuit court is not an appropriate means to secure relief so as to support an exercise of this court's superintending jurisdiction.

Motion denied.