

Paul G. MILLER v. George KING, Owner, George King  
Body & Frame; Detective Steve Scott, Fort Smith  
Police Department; Ron Fields, Prosecuting Attorney

95-979

912 S.W.2d 416

Supreme Court of Arkansas  
Opinion delivered December 18, 1995

APPEAL & ERROR — MOTION FOR RULE ON CLERK DENIED — PLAINTIFF  
IN CIVIL MATTER BEARS RESPONSIBILITY OF BEING AWARE OF PRO-  
CEEDINGS AND FILING TIMELY NOTICE OF APPEAL. — Where petitioner  
filed a pro se motion for rule on the clerk in which he contended  
that the record should be filed because he did not receive adequate  
notice that his civil complaint had been dismissed, the supreme  
court denied the motion; in a civil matter, the plaintiff bears the  
responsibility of being aware of the proceedings and filing a timely  
notice of appeal if an adverse final ruling is entered; there is no pro-  
vision for a belated appeal on the ground that the plaintiff was  
unaware that an order had been entered as is permitted in certain  
instances under Arkansas Rule of Criminal Procedure 36.9 in crim-  
inal cases.

Sebastian Circuit Court, Fort Smith District; *John Holland*,  
Judge; Pro Se Motion for Rule on the Clerk; denied.

*Petitioner*, pro se.

No response.

PER CURIAM. This is a civil case. Paul G. Miller filed a pro  
se “complaint in equity” against three persons. Each of the three

defendants filed a motion to dismiss the complaint, and the circuit court granted each of the motions with prejudice in separate orders, the last of which was entered June 19, 1995.

Plaintiff Miller filed an untimely notice of appeal of the three orders on July 27, 1995. When he tendered the record to this court, the clerk declined to lodge it. Miller subsequently filed the motion for rule on clerk which is now before us in which he contends that the record should be filed because he did not receive adequate notice that the complaint had been dismissed.

[1] The motion is denied. It is clear that in a civil matter the plaintiff bears the responsibility of being aware of the proceedings and filing a timely notice of appeal if an adverse final ruling is entered. *Karam et al. v. Halk*, 260 Ark. 36, 537 S.W.2d 791 (1976). There is no provision for a belated appeal on the ground that the plaintiff was unaware that an order had been entered as is permitted in certain instances under Criminal Procedure Rule 36.9 in criminal cases.

Motion denied.

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