

Stanley Frank BOYD v. Honorable Tom KEITH

97-991

954 S.W.2d 942

Supreme Court of Arkansas
Opinion delivered November 20, 1997

MANDAMUS — PETITION GRANTED — RESPONDENT REQUIRED TO ACT UPON PETITIONER'S REQUEST. — The supreme court granted petitioner's requested writ of mandamus to require that the circuit court act upon petitioner's Freedom of Information Act request for copies of records allegedly in the files of the circuit court.

Petition for Writ of Mandamus; granted.

Appellant, pro se.

No response.

PER CURIAM. Petitioner Stanley Frank Boyd, a prisoner in the Arkansas Department of Correction, states that on April 2, 1997, he filed a Freedom of Information Act request with the Honorable Tom Keith, Carroll County Circuit Judge. The

¹ We note that our rule of civil procedure, Rule 12(b)(8), provides a defense against an action based on the pendency of another action between the same parties arising out of the same transaction or occurrence; however, this defense is waived under Rule 12(h)(1) if it is not included in the original responsive pleading.

request sought copies of records allegedly in the files of the Circuit Court. The matter apparently remains pending before the Circuit Court. Petitioner Boyd seeks a writ of mandamus to cause Judge Keith to grant his request.

The Attorney General, on behalf of Judge Keith, has responded by denying that the request has merit rather than addressing the Circuit Court's failure to act on the request.

[1] The writ of mandamus is granted to require only that the Circuit Court act upon the request of Mr. Boyd.
