

Charles Dennis YOUNG v. Angela BLACK

06-21

234 S.W.3d 284

Supreme Court of Arkansas
Opinion delivered April 20, 2006

MOTIONS — MOTION TO REINSTATE MATTER & SUBMISSION OF FILING FEE
— MOTION GRANTED. — Where petitioner's motion to proceed *in forma pauperis* was previously denied and petitioner was instructed to pay the filing fee to have his motion heard, and where the matter was subsequently dismissed from the supreme court's docket for failure to remit the filing fee, the supreme court granted petitioner's motion to reinstate the matter because he paid the filing fee within thirty days of the court's prior *per curiam* order.

Pro Se Motion to Reinstate Matter to Docket; granted.

Charles Dennis Young, pro se, for appellant.

No response.

PER CURIAM. On December 13, 2005, Charles Dennis Young, proceeding *pro se*, tendered to this court the record on appeal from an order of protection entered in a civil matter on August 1, 2005. The record was not tendered within ninety days of the date of the notice of appeal as required by Ark. R. App. P.—Civil 5(a).¹

Petitioner Young subsequently tendered a *pro se* motion for rule on clerk seeking to lodge the record belatedly. When in-

¹ The record was tendered 120 days after the notice of appeal was filed.

formed of the fee to file such a motion, petitioner filed a motion to proceed *in forma pauperis*, asking that the filing fee be waived. The motion was denied. *Young v. Black*, 06-21 (Ark. January 26, 2006) (*per curiam*). We specifically said in our *per curiam* that Young must pay the filing fee in order for his motion to be heard.

[1] The matter was subsequently dismissed from our docket for failure to remit the filing fee. On February 22, 2006, Young filed this motion to reinstate the matter and submitted the filing fee. Because the fee was paid within thirty days of our *per curiam*, the motion is granted. Our clerk is directed to accept the fee and file the tendered motion for rule on clerk.

Motion granted.
