

SUPREME COURT OF ARKANSAS

No. 11-570

JEREMY KENNEDY

APPELLANT

V.

RICHARD MORALES AND GREG
IVEY

APPELLEES

Opinion Delivered February 7, 2013APPEAL FROM THE JACKSON
COUNTY CIRCUIT COURT
[NO. CV-2010-200]
HON. HAROLD S. ERWIN, JUDGEREBRIEFING ORDERED.**PER CURIAM**

Appellant Jeremy Kennedy appeals from the circuit court's order granting summary judgment in favor of appellees Richard Morales and Greg Ivey. Kennedy asserted that Morales and Ivey violated his Fourth Amendment rights. Due to deficient briefing, we are precluded from reaching the merits of the appeal.

On August 20, 2009, Morales, an investigator for the Jackson County Sheriff's Department, received a call from an investigator for the White County Sheriff's Office who stated that Kennedy, his suspect for thefts that had occurred in White County, was staying in Jackson County. After co-appellee Greg Ivey and a parole officer entered the residence where Kennedy was an overnight guest, Kennedy was taken into custody on an active parole warrant. After Kennedy's arrest, Morales obtained a search warrant and seized some items that had been located near the front bedroom where Kennedy had been found. Kennedy pled guilty to charges of theft and was incarcerated.

Kennedy filed a complaint against Morales and Ivey in their individual capacities

alleging that they had violated his civil rights. Both sides filed motions for summary judgment. The circuit court dismissed Kennedy's motion and granted Morales and Ivey's motion for summary judgment and granted Morales and Ivey attorney's fees of \$1,962.50. Kennedy brought this appeal.

Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) (2012) requires an appellant's addendum to include all related briefs concerning the order, judgment, or ruling challenged on appeal. Kennedy's brief did not include in its addendum the cross motions for summary judgment upon which the case was decided, the briefs in support of those motions, or the replies to those briefs in its addendum. On January 22, 2013, we ordered Kennedy to file a supplemental addendum to correct all deficiencies in his brief within seven calendar days pursuant to Arkansas Supreme Court Rule 4-2(b)(4). He has not done so. We note that while Kennedy is a pro se appellant, we hold him to the same standard as a licensed attorney. *Lucas v. Jones*, 2012 Ark. 365, ___ S.W.3d ___.

Because Kennedy has failed to comply with our rules and our previous order, we now require him to file a substituted brief that complies with our rules within fifteen days from the date of the entry of this order pursuant to Arkansas Supreme Court Rule 4-2(b)(3). We once again encourage Kennedy to review our rules to ensure that no additional deficiencies are present. We further note that if, after the opportunity to cure the deficiencies through rebriefing, Kennedy fails to file a complying abstract, addendum, and brief within the prescribed time, the summary judgment may be affirmed for noncompliance with the rule. *See* Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.

Jeremy Kennedy, pro se appellant.

No response.