

SUPREME COURT OF ARKANSAS

No. 13-153

TOMMY HALL

PETITIONER

v.

HON. KIRK JOHNSON, CIRCUIT
JUDGE

RESPONDENT

Opinion Delivered March 28, 2013PRO SE MOTION AND AMENDED
MOTION TO PROCEED WITHOUT
A CERTIFIED RECORD [MILLER
COUNTY CIRCUIT COURT,
DOCKET NUMBER UNKNOWN]MOTION AND AMENDED MOTION
TREATED AS MOTION FOR RULE
ON CLERK AND DENIED.**PER CURIAM**

Petitioner Tommy Hall tendered to this court a pro se petition for writ of mandamus, alleging that the respondent circuit judge had not acted in a timely manner on a pro se motion to have a judgment vacated in a civil matter. Now before us are petitioner's motion and amended motion seeking to file the mandamus petition without the certified record required to file such an action. We treat the motion and amended motion as a motion for rule on clerk to proceed without a certified record. *See Paige v. State*, 2012 Ark. 413 (per curiam).

Rule 6-1(a) of this court provides that in cases in which the jurisdiction of this 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. Ark. Sup. Ct. R. 6-1(a) (2012); *Boykins v. Williams*, 2013 Ark. 63, ___ S.W.3d ___ (per curiam); *Wright v. Griffen*, 2012 Ark. 313 (per curiam); *Barnett v. Tabor*, 2010 Ark. 22 (per curiam); *Davis v. Dennis*, 2009 Ark. 474 (per curiam); *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999) (per curiam). This court cannot assume jurisdiction of the mandamus

petition tendered by petitioner without a certified record. *See Boykins*, 2013 Ark. 63, ___ S.W.3d ___; *see also Wright*, 2012 Ark. 313.

Motion and amended motion treated as motion for rule on clerk and denied.