

SUPREME COURT OF ARKANSAS

No. CV-14-1098

DEMETRIUS CURTIS

APPELLANT

V.

RAY HOBBS, DIRECTOR, ARKANSAS
DEPARTMENT OF CORRECTION

APPELLEE

Opinion Delivered March 19, 2015

PRO SE PETITION FOR WRIT OF
CERTIORARI AND MOTION TO FILE
A BELATED BRIEF
[CHICOT COUNTY CIRCUIT COURT,
NO. 09CV-14-72]HONORABLE ROBERT BYNUM
GIBSON, JUDGEAPPEAL DISMISSED; MOTION AND
PETITION MOOT.

PER CURIAM

On October 15, 2014, appellant Demetrius Curtis filed a pro se petition for writ of habeas corpus in the Chicot County Circuit Court where he was incarcerated. The circuit court denied the petition, and appellant lodged an appeal from the order in this court. Now before us are appellant's petition for writ of certiorari and motion to file a belated brief.

Because the public records of the Arkansas Department of Correction (ADC) reflect that appellant is no longer incarcerated, it is clear that he could not prevail on appeal were we to permit the appeal to proceed. A circuit court does not have jurisdiction to release on a writ of habeas corpus a prisoner not in custody. *Branning v. Harmon*, 2009 Ark. 533 (per curiam). Accordingly, we find that the motion and petition are moot. Thus, we do not reach the merits of the motion and petition and dismiss the appeal.

Appeal dismissed; motion and petition moot.