

SUPREME COURT OF ARKANSAS

No. 09-1157

MATTHEW W. BARNETT
PETITIONER

V.

HON. STEPHEN TABOR, CIRCUIT
JUDGE, AND RACHEL SIMS, CLERK,
DISTRICT COURT OF FORT SMITH,
ARKANSAS
RESPONDENTS

Opinion Delivered January 14, 2010

PRO SE MOTION FOR RULE ON
CLERK TO FILE PETITION FOR
WRITS OF PROHIBITION OR
CERTIORARI AND MANDAMUS
WITHOUT CERTIFIED RECORD,
PRO SE MOTION TO STAY FEES
PENDING DISPOSITION OF MOTION
FOR RULE ON CLERK, AND PRO SE
MOTION FOR APPOINTMENT OF
COUNSEL [SEBASTIAN COUNTY
CIRCUIT COURT, FORT SMITH
DISTRICT, CV 2009-1561]

MOTION FOR RULE ON CLERK
DENIED; MOTION TO STAY FEES
AND MOTION FOR APPOINTMENT
OF COUNSEL MOOT.

PER CURIAM

Petitioner Matthew W. Barnett tendered to this court a pro se petition for writ of prohibition or certiorari and a pro se petition for writ of mandamus. The petitions were not filed because neither was accompanied by a certified record of the proceedings in the lower court. Petitioner then filed the instant pro se motion for rule on clerk seeking leave to file the petitions without a certified record. Petitioner also filed a pro se motion to stay the requirement that he pay a filing fee pending disposition of the motion for rule on clerk and a motion for appointment of counsel.

Arkansas Supreme Court Rule 6-1(a) provides that in cases in which the jurisdiction



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of this court is in fact appellate, although in form original, such as petitions for writ 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) (2009); *Hall v. Griffin*, 2009 Ark. 494 (per curiam); *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999) (per curiam). This court thus cannot assume jurisdiction of the petitions tendered in this matter without a certified record. Accordingly, the motion for rule on clerk is denied. The motions to stay the requirement to pay a filing fee and for appointment of counsel are moot.

Motion for rule on clerk denied; motion to stay fees and motion for appointment of counsel moot.

BOWEN, J., not participating.

Matthew W. Barnett, pro se petitioner.

No response.