

Cite as 2019 Ark. 316
SUPREME COURT OF ARKANSAS
No. CV-18-414

SHANNON BOYDSTON

APPELLANT

V.

WENDY KELLEY, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION; JOHN FELTS,
CHAIRMAN, ARKANSAS STATE
PAROLE BOARD; IDA CABB;
REQUISHA BROOKS; AND ANDY
SHOCK

APPELLEES

Opinion Delivered November 7, 2019

PRO SE APPEAL FROM THE
JEFFERSON COUNTY CIRCUIT
COURT
[NO. 35CV-17-369]

HONORABLE JODI RAINES DENNIS,
JUDGE

AFFIRMED.

JOHN DAN KEMP, Chief Justice

Appellant Shannon Boydston appeals from the circuit court's dismissal of a pro se complaint filed pursuant to 42 U.S.C. § 1983 alleging constitutional violations of the ex post facto prohibition and his right to due process in connection with the denial of his application for parole. Boydston sued the defendants in their official and individual capacities and requested a jury trial, injunctive relief, and compensatory damages. The circuit court dismissed Boydston's complaint against separate defendant Wendy Kelley because Boydston failed to name Kelley in his complaint or to raise any allegations against Kelley within the body of his complaint. The remaining defendants were dismissed on the bases of insufficient service of process and for failing to state claims upon which relief could be granted. For the reasons set forth below, we affirm.

As his sole claim on appeal, Boydston raises for the first time that the appellees violated his right to equal protection in that he had been treated differently from similarly situated inmates. In his complaint, Boydston alleged that his Fourteenth Amendment rights had been violated but he failed to mention the equal-protection clause. It is well settled that this court does not address new arguments raised for the first time on appeal. *Hall v. State*, 2018 Ark. 319, 558 S.W.3d 867. Parties are bound by the scope and nature of their arguments raised below. *Smith v. State*, 2018 Ark. 277, 555 S.W.3d 881. Furthermore, Boydston does not reassert the claims made in his complaint with respect to the ex post facto prohibition and the denial of due process. Arguments that are raised below that are not reasserted on appeal are abandoned. *Lane v. State*, 2019 Ark. 5, 564 S.W.3d 524; *Ramirez v. State*, 2018 Ark. 32, 536 S.W.3d 614. As there are no issues that can be considered by this court, the circuit court's order dismissing Boydston's complaint is affirmed.

Affirmed.

Shannon Boydston, pro se appellant.

Leslie Rutledge, Att'y Gen., by: *Robert T. James*, Ass't Att'y Gen., for appellee.