

ARKANSAS SUPREME COURT

No. 09-602

WILLIE G. DAVIS, JR.
Petitioner

v.

JODI RAINES DENNIS, CIRCUIT
JUDGE
Respondent

Opinion Delivered October 1, 2009

PRO SE MOTION FOR RULE ON
CLERK [CIRCUIT COURT OF
JEFFERSON COUNTY]

MOTION DENIED.

PER CURIAM

Petitioner Willie G. Davis, Jr. tendered a petition for writ of mandamus to this court in which he sought to compel the Honorable Jodi Raines Dennis, Circuit Judge, to permit him to proceed as a pauper in Jefferson County Circuit Court with a petition for writ of habeas corpus. Our clerk refused to accept the pleading without a certified record and petitioner filed this pro se motion for rule on clerk seeking to compel our clerk to file the writ of mandamus.

Our Rule 6-1(a) provides that in cases in which the jurisdiction of the 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. *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999) (per curiam). Without a certified record, this court has no basis to assume jurisdiction of a matter. *Id.* For this court to assume jurisdiction under our Rule 6-5, petitioner must provide specific law or precedent providing authority to proceed under this court's original jurisdiction. *Jackson v. Tucker*, 325 Ark. 318, 927 S.W.2d 336 (1996) (per

curiam).

In his motion to file the mandamus petition, petitioner argues the merits of his claim in the petition for mandamus, asserts that he has raised a constitutional issue and that he is indigent, and contends that documents which are presently in the record in the circuit court will be destroyed or have now been destroyed. Petitioner provides no authority or precedent that confers original jurisdiction under Rule 6-5. Because petitioner does not provide specific law or precedent as authority for this court to assume jurisdiction without a certified record, we deny the motion for rule on clerk.

Motion denied.