

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, CENTRAL DIVISION

Arick Marquette Johnson v. Dexter Payne

Johnson v. Payne · No. 4:25-cv-00380-KGB · Decided January 26, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas denies Arick Marquette Johnson’s motions for reconsideration, to correct the record, to reopen the case, and to supplement the record. The court concludes that Johnson has not shown grounds for relief under Federal Rules of Civil Procedure 59(e) or 60(b), and that his state-court remedies remain unexhausted. The court grants Johnson’s motion for an extension of time to appeal and directs the Clerk to provide him with a copy of the order and docket sheet.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Central Division
WRITING FOR THE COURT	Kristine G. Baker
JURISDICTION	United States District Court for the Eastern District of Arkansas, Central Division
DECIDED	January 26, 2026
DOCKET	4:25-cv-00380-KGB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for reconsideration, correction of the record, reopening of the habeas case, supplementation of the record, and an extension of time to appeal after the court dismissed his § 2254 petition without prejudice for failure to exhaust state remedies.
STANDARD OF REVIEW	A Rule 59(e) motion is reviewed under the district court's broad discretion, and denial will not be reversed absent a clear abuse of discretion. Rule 60(b) relief is extraordinary and available only upon an adequate showing of exceptional circumstances.
PRECEDENTIAL VALUE	unpublished
PARTIES	Arick Marquette Johnson v. Dexter Payne

TOPICS

federal habeas corpus

post-conviction relief

motion for reconsideration

appellate procedure

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

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appellate procedure

QUESTIONS PRESENTED

1. Whether Johnson established grounds under Federal Rule of Civil Procedure 59(e) or 60(b) to reconsider the prior dismissal without prejudice.
2. Whether Johnson was entitled to reopen the case or correct the record based on the alleged misfiling of his protective § 2254 petition and his other asserted circumstances.
3. Whether Johnson was entitled to an extension of time to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5).

HOLDINGS

1. Reconsideration was not warranted because Johnson identified no relevant error of fact or law and presented no newly discovered evidence.
2. Johnson was not entitled to relief under Rule 60(b) because he alleged no qualifying mistake, newly discovered evidence, void judgment, satisfaction or discharge of the judgment, or other exceptional circumstance justifying relief.
3. The alleged misfiling did not warrant reopening or correction because Johnson admitted that any labeling error resulted from his own mislabeling, and the protective petition did not bear on the unexhausted state habeas petition that supported dismissal.
4. The court extended Johnson's time to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5) for 30 days after the prescribed time or 14 days after entry of the order granting the motion, whichever was later.

KEY QUOTATIONS

“It should be noted that Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” (Section I.A)

“Rule 60(b) “provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances.”” (Section I.A)

FACTUAL BACKGROUND

Johnson sought federal habeas relief while his direct appeal, Arkansas Rule of Criminal Procedure 37 petition, and state habeas petition remained pending. He claimed that a protective § 2254 petition had been misfiled under another case number, that he lacked law-library access, and that state proceedings had been delayed. He also asserted that repeated attempts to mail a notice of appeal were returned because he used the wrong address.

PROCEDURAL HISTORY

The court previously dismissed Johnson's petition for a writ of habeas corpus without prejudice after adopting Magistrate Judge Edie R. Ervin's recommendation. The recommendation concluded that Johnson's direct appeal, Rule 37 petition, and state habeas petition remained pending, that his conviction did not appear final, and that he had not exhausted state remedies. In this order, the court denied the reconsideration-related motions, granted an extension of time to appeal, and directed the clerk to provide Johnson with the order and docket sheet.

DISPOSITION

other

CASES CITED

- Peterson v. The Travelers Indem. Co., 867 F.3d 992, 997 (8th Cir. 2017)
- Auto Servs. Co. v. KPMG, LLP, 537 F.3d 853, 855 (8th Cir. 2008)
- United States v. Metro. St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2006)
- Innovative Home Health Care v. P. T.-O. T. Assoc. of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998)
- Ryan v. Ryan, 889 F.3d 499, 507 (8th Cir. 2018)
- Jones v. Swanson, 512 F.3d 1045, 1048 (8th Cir. 2008)
- United States v. Young, 806 F.2d 805, 806 (8th Cir. 1986)
- In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig., 496 F.3d 863, 866 (8th Cir. 2007)
- United States v. One Parcel of Property Located at Tracts 10 & 11 of Lakeview Heights, Canyo Lake, Comal Cnty., Tex., 51 F.3d 117, 120 (8th Cir. 1995)
- In re Zimmerman, 869 F.2d 1126, 1128 (8th Cir. 1989)
- Atkinson v. Prudential Prop. Co., 43 F.3d 367, 373 (8th Cir. 1994)

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