

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PRECEDENTIAL VALUE	unpublished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

civil procedure

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)

OPINION

Payne

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

CENTRAL DIVISION

ARICK MARQUETTE JOHNSON PETITIONER

ADC #185962

v. Case No. 4:25-cv-00380-KGB

DEXTER PAYNE RESPONDENT

ORDER

Before the Court are petitioner Arick Marquette Johnson's motion for reconsideration (Dkt. No. 29), motion to correct record and motion to reopen case (Dkt. No. 30), motion for status update and motion to supplement the record (Dkt. No. 33), motion to supplement the record (Dkt. No.

36), motion for extension (Dkt. No. 37), and motion for status update (Dkt. No. 38). Respondent Dexter Payne filed a response to Johnson's motion to correct record and motion to reopen case (Dkt. No. 34), and Johnson replied (Dkt. No. 35). The Court previously dismissed Johnson's petition for a writ of habeas corpus without prejudice, adopting in full United States Magistrate Judge Edie R. Ervin's recommended disposition ("Recommendation") (Dkt. No. 27). In the Recommendation, Judge Ervin explained that Johnson's court records show that his direct appeal, Rule 37 petition, and state habeas petition remained pending, that his conviction did not appear to be final, and that Johnson had not exhausted his state court remedies (Dkt. No. 26, at 3). I. Motion for Reconsideration A. Legal Standard "A 'motion for reconsideration' is not described in the Federal Rules of Civil Procedure, but such a motion is typically construed either as a Rule 59(e) motion to alter or amend the judgment or as a Rule 60(b) motion for relief from judgment." *Peterson v. The Travelers Indem. Co.*, 867 F.3d 992, 997 (8th Cir. 2017) (quoting *Auto Servs. Co. v. KPMG, LLP*, 537 F.3d 853, 855 (8th Cir. 2008)). "A district court has broad discretion in determining whether to grant or deny a motion to alter or amend judgment pursuant to Rule 59(e), and th[e] [appeals] court will not reverse absent a clear abuse of discretion." *United States v. Metro. St. Louis Sewer Dist.*, 440 F.3d 930, 933 (8th Cir. 2006) (citing *Innovative Home Health Care v. P. T.-O. T. Assoc. of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998)). "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." *Metro St. Louis*, 440 F.3d at 933 (internal quotation omitted). "Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment." *Id.* (internal quotation omitted); see also *Ryan v. Ryan*, 889 F.3d 499, 507 (8th Cir. 2018). Under Rule 60(b), the Court may relieve a party from an order on the narrow grounds of:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). Rule 60(b) "provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances." *Jones v. Swanson*, 512 F.3d 1045, 1048 (8th Cir. 2008) (quoting *United States v. Young*, 806 F.2d 805, 806 (8th Cir. 1986)); see also *In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig.*, 496 F.3d 863, 866 (8th Cir. 2007) ("Rule 60(b) authorizes relief in only the most exceptional of cases."); *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) (concluding that a motion to reconsider filed under Rule 60(b) requires the moving party to establish “exceptional circumstances” to obtain the “extraordinary relief” the rule provides). As it pertains to Rule 60(b)(6), the Eighth Circuit has provided the following guidance: Relief is available under Rule 60(b)(6) only where “exceptional circumstances prevented the moving party from seeking redress through the usual channels.” In re Zimmerman, 869 F.2d 1126, 1128 (8th Cir. 1989). . . . “Exceptional circumstances” are not present every time a party is subject to potentially unfavorable consequences as a result of an adverse judgment properly arrived at. Rather, exceptional circumstances are relevant only where they bar adequate redress. *Atkinson v. Prudential Prop. Co.*, 43 F.3d 367, 373 (8th Cir. 1994). B. Analysis

The Court construes Johnson’s motion for reconsideration (Dkt. No. 29), motion to correct record and motion to reopen case (Dkt. No. 30), response to order (Dkt. No. 31), motion to supplement record (Dkt. No. 32), motion for status update and motion to supplement the record (Dkt. No. 33), and motion to supplement the record (Dkt. No. 36) together as a motion for reconsideration under Rule 59(e) or Rule 60(b). Johnson alleges that he “submitted a protective 2254 petition” on September 1, 2025, for this case, but he claims to have erroneously labeled the document with case number 4:25-cv- 00869-KGB (Dkt. No. 29, at 1). A review of the docket for case number 4:25-cv-00869-KGB shows that on September 5, 2025, Johnson submitted an amended complaint (Case No. 4:25-cv- 00869-KGB, Dkt. No. 4). Within the amended complaint, on a page titled “motion for protective 2254 petition,” Johnson asks the Court “to stay and abey (sic) the proceedings until state remedies are exhausted.” (Id., at 11). In Johnson’s response to order (Dkt. No. 31) and motion to supplement record (Dkt. No. 32), Johnson repeats his assertion that his protective 2254 petition should be filed in this case. Johnson also alleges that he never had access to a law library while in jail and that the county clerk required him to submit his state habeas to the Arkansas Supreme Court (Id.). Further, Johnson alleges that the state has delayed ruling on his habeas petition as “another effort to violate my Constitutional rights and continue [to show] a cognizable manifest injustice.” (Dkt. No. 30, at 1). In Johnson’s motion to supplement the record, he states facts related to other civil and criminal cases, criticizes various individuals, and states that “habeas should be REOPENED . . . due to the FACTS that are 100% cognizable and recorded in Court records.” (Dkt. No. 36, at 4). He also provides a document allegedly submitted to the Arkansas Court of Appeals (Id., at 5–8). Analyzing the motion under Rule 59(e), Johnson asserts no relevant errors in fact or law and presents no newly discovered evidence. To the extent Johnson complains that the Clerk of Court made an error in filing his motion for protective 2254 petition in another case, he has already admitted that any such error was a result of his own mislabeling of the document (Dkt. No. 29, at 1). Johnson’s protective 2254 petition—which states only that he did not have access to a law library and that the county clerk required him to submit his state habeas petition to the Arkansas Supreme Court—does not bear on the reason why the Court previously dismissed Johnson’s case without prejudice: Johnson’s state habeas petition is not exhausted.

Johnson's motion for reconsideration also fails under Rule 60(b). Johnson asserts no facts suggesting mistake, inadvertence, surprise, or excusable neglect. Fed. R. Civ. P. 60(b)(1). Johnson does not assert any newly discovered evidence, claim that the Judgment is void, satisfied, released, or discharged, or provide any reason to justify relief from the Court's Judgment entered on November 10, 2025. Fed. R. Civ. P. 60(b)(2)–(6). For these reasons, the Court denies Johnson's motion for reconsideration (Dkt. Nos. 29; 30; 31; 32; 33; 36). II. Motion for Extension In Johnson's motion for extension, he states that he has attempted to mail an appeal of this matter three times, but he asserts that it has been returned each time because he listed the wrong address (Dkt. No. 37). He states that the lieutenant in charge of legal mail told him that the Eighth Circuit does not accept mail and only sends mail (Id.). Because of these issues, Johnson asks for an extension of time to appeal the Court's Judgment (Id.). In this case, the Court entered Judgment on November 10, 2025 (Dkt. No. 28). Johnson filed his motion for reconsideration and motion to correct the record and reopen the case on December 9, 2025 (Dkt. Nos. 29; 30). The Court construes those motions, along with Johnson's other filings, as a motion for reconsideration under Rule 59(e) or Rule 60(b). Federal Rule of Appellate Procedure 4(a)(1)(A) states that "the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after the entry of the judgment or order appealed from." Fed. R. App. P. 4(a)(1)(A). However, the filing of a motion pursuant to Rule 59 or Rule 60, if filed within the time allowed for an appeal, extends the time for filing a notice of appeal, as Federal Rule of Appellate Procedure 4(a)(4) provides that the time to file an appeal runs from the entry of the Order disposing of the last such motion. Fed. R. App. 4(a)(4)(A). This Order rules on those motions. Federal Rule of Appellate Procedure 4(a)(5) permits the Court to extend the time to file a notice of appeal if the party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A)(i). The Court extends Johnson's time for filing a notice of appeal for "30 days after the prescribed time [for filing the notice of appeal] or 14 days after the date when the order granting the motion is entered, whichever is later." Fed. R. App. 4(a)(5)(C). HI. Conclusion For the foregoing reasons, the Court:

- (1) denies Johnson's motion for reconsideration (Dkt. No. 29);
- (2) denies Johnson's motion to correct record and motion to reopen case (Dkt. No. 30);
- (3) denies Johnson's motion for status update and motion to supplement the record, to the extent the motion is a motion for reconsideration (Dkt. No. 33);
- (4) denies Johnson's motion to supplement the record (Dkt. No. 36);
- (5) grants Johnson's motion for extension to appeal (Dkt. No. 37); and
- (6) grants Johnson's motion for status update by providing him with a copy of this Order and the docket sheet (Dkt. Nos. 33; 38). The Clerk of Court is directed to mail Johnson a copy of this Order and the docket sheet in this matter. It is so ordered this the 26th day of January, 2026. Hushns A. Pablo Kristine G. Baker Chief United States District Judge

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