

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON DC 20543-0001

RE- VAUGHN V GIBSON et al

USCA8 NO 17-3529

MOTION TO DIRECT THE CLERK TO FILE A
PETITION

OUT OF TIME

(IT) IF EXECUTED WITHIN THE UNITED STATES
ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTH
I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT
EXECUTED ON THIS 5TH DAY OF MARCH 2019

I CHESTER VAUGHN #129334 DOES HEREBY
COME BEFORE THE COURTS WITH HIS MOTION
TO DIRECT THE CLERK TO FILE PETITION OUT
OF TIME.

EXECUTED WITHIN THE UNITED STATES, ITS
TERRITORIES, POSSESSIONS OR COMMONWEALTH
THAT THE FOREGOING IS TRUE AND CORRECT
EXECUTED ON THIS 5TH DAY OF MARCH 2019

Chester Vaughn

RECEIVED

MAR 13 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-3529

Chester S. Vaughn

Appellant

v.

Warden James Hoot Gibson, Ouachita River Correctional Unit (ORCU), et al.

Appellees

Appeal from U.S. District Court for the Western District of Arkansas - Hot Springs
(6:17-cv-06046-PKH)

ORDER

The petition for rehearing by the panel is denied.

June 15, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
For the Eighth Circuit

No. 17-3529

Chester S. Vaughn

Plaintiff - Appellant

v.

Warden James Hoot Gibson, Ouachita River Correctional Unit (ORCU); Assistant
Warden A. Jackson, ORCU; Discip. Hrg Officer Justine Minor, Arkansas
Department of Correction (ADC), Central Office; Lieutenant Seth Maxwell,
ORCU; Deputy Director Dexter Payne, ADC, Central Office; Officer T.
Stougenburg, ORCU

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: May 7, 2018

Filed: May 8, 2018

[Unpublished]

Before WOLLMAN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Chester S. Vaughn appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action for failure to state a claim. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon de novo review of Vaughn's appellate arguments and the district court record, this court finds no basis for reversal. *See Moore v. Sims*, 200 F.3d 1170 (8th Cir. 2000) (per curiam) (pre-service dismissal under 28 U.S.C. § 1915(e)(2) is reviewed de novo).

The judgment of the district court is affirmed. *See* 8th Cir. R. 47B. Vaughn's pending motions are denied as moot.

¹The Honorable P. K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas.

**Additional material
from this filing is
available in the
Clerk's Office.**