

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

No: 25-2779

Terry Antonio Lee

Plaintiff - Appellant

v.

Dexter Payne, Director, Arkansas Department of Correction

Defendant - Appellee

Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff
(5:18-cv-00045-KGB)

JUDGMENT

Before GRUENDER, ERICKSON, and GRASZ, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

October 14, 2025

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

/s/ Susan E. Bindler

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**TERRY ANTONIO LEE,
ADC #120960**

PLAINTIFF

v.

Case No. 5:18-cv-00045-KGB

**DEXTER PAYNE, Director,
Arkansas Division of Correction¹**

DEFENDANT

ORDER

Before the Court are plaintiff Terry Antonio Lee's motion for extended time, motion for recusal, and motion to appoint counsel (Dkt. Nos. 65; 66; 67). The Court will address each motion in turn.

I. Motion For Extended Time

In his motion for extended time, Mr. Lee requests an extension of time for the following reasons: "for ruling on motion for recusal," "for motion opposition to the court order," and "for plaintiff not having access to legal books or legal cases by the law library supervisor Smith which denies Plaintiff Lee access to the courts in violation of the 1st[sic] and 14th[sic] Amendment."² (Dkt. No. 65). There are no outstanding deadlines that the Court could extend for Mr. Lee in the current matter. This Court entered a Judgment dismissing Mr. Lee's petition and denying requested relief on August 6, 2019 (Dkt. No. 34). The Eighth Circuit Court of Appeals dismissed Mr. Lee's appeal on March 16, 2020 (Dkt. No. 49). The Supreme Court of the United States

¹ Director Kelley retired from the Arkansas Department of Correction ("ADC") while this case has been pending, and Dexter Payne was appointed as the current Director of the Division of Correction by the Arkansas Board of Corrections. Pursuant to Federal Rule of Civil Procedure 25(d), the Court substitutes Director Payne as the defendant. The Clerk of Court is instructed to update the docket sheet in this matter to list Director Payne as the defendant.

² To the extent that Mr. Lee is stating that he is being denied access to the courts, that is a separate claim that he must raise in a separate lawsuit.

denied Mr. Lee's writ of certiorari on April 20, 2022 (Dkt. No. 51, at 3). This Court denied Mr. Lee's motion for relief from Judgment pursuant to Federal Rule of Civil Procedure 60(b) (Dkt. No. 52), prior motion for evidentiary hearing (Dkt. No. 55), and two omnibus motions (Dkt. Nos. 56; 57) on March 18, 2022 (Dkt. No. 58). On September 6, 2024, this Court granted in part, and denied, in part, Mr. Lee's motion for status update; denied Mr. Lee's motion for evidentiary hearing; and informed Mr. Lee that this case was closed (Dkt. No. 64). Therefore, the Court denies Mr. Lee's motion for extended time (Dkt. No. 65).

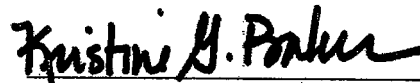
II. Motion For Recusal

Mr. Lee has filed a motion for recusal (Dkt. No. 66). As best as the Court can tell from Mr. Lee's filing, Mr. Lee seeks the recusal based on impartiality (*Id.*). The Court does not find grounds for recusal based on the allegations raised in Mr. Lee's filing and denies the motion for recusal (Dkt. No. 66).

III. Motion To Appoint Counsel

Given that this case is closed, the Court denies Mr. Lee's pending motion to appoint counsel (Dkt. No. 67).

It is so ordered this 21st day of August, 2025.



Kristine G. Baker
Chief United States District Judge

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

No: 25-2779

Terry Antonio Lee

Appellant

v.

Dexter Payne, Director, Arkansas Department of Correction

Appellee

Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff
(5:18-cv-00045-KGB)

ORDER

The petition for rehearing by the panel is denied.

November 25, 2025

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

/s/ Susan E. Bindler

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