

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

SCHEAREAN JEAN MEANS,)
)
Petitioner,)
)
vs.)
)
STATE OF ALABAMA,)
)
Respondent.)

Case No. 4:12-cv-04049-WMA-TMP

MEMORANDUM OPINION

The magistrate judge filed his Report and Recommendation (doc. 16) in the above-styled cause on May 29, 2014, recommending that the § 2254 petition for writ of *habeas corpus* challenging the constitutional validity of Petitioner’s conviction be dismissed without prejudice because the court is without jurisdiction to adjudicate Petitioner’s claims. Schearean Jean Means (“Petitioner”) filed no objections to the Report and Recommendation. Instead, on June 8, 2014, Petitioner filed a motion requesting a copy of the Respondent’s Answer.¹ (Doc. 17).

¹ Petitioner’s motion (doc. 17) refers to the Respondent’s Answer “filed in and by the Court on October 7, 2013.” The Respondent’s answer was filed on September 24, 2013, (doc. 10) and the court’s Order Regarding Summary Disposition was filed on October 7, 2013. (Doc. 11). Although it is difficult for the court to discern which document the Petitioner is requesting, it appears from the docket summary that she received both documents. Petitioner was able to respond to the Answer, at the behest of the court’s Order Regarding Summary Disposition, on November 11, 2013 - following a Motion for Extension of Time, which the court granted. Without having seen both documents, it is unlikely that Petitioner would have been able to respond to the Answer, or would have known to ask for an extension of time in which to file her response. Accordingly, Petitioner’s motion (doc. 17) is due to be and hereby is DENIED and DISMISSED. The Clerk is DIRECTED to terminate the motion.

Having now carefully reviewed and considered *de novo* all materials in the court file relevant to the case, the court finds that the report is due to be ADOPTED and the recommendation ACCEPTED. A corresponding order shall be entered contemporaneously herewith.

DONE and ORDERED this 18th day of June, 2014.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE