

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

VONDALE LAMAR BRACEY,

Petitioner,

-vs-

Case No. 5:17-cv-364-CEH-PRL

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

_____ /

ORDER

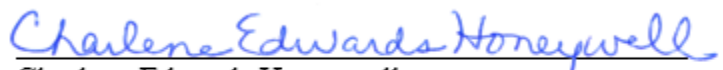
This matter comes before the Court upon consideration of Petitioner Vondale Lamar Bracey’s motion for relief under Rules 41 and 42 of the Federal Rules of Civil Procedure. Doc. 71. Petitioner states that he “is seeking for the law of Rule 41(b) [to pertain] to his” petition for writ of habeas corpus under 28 U.S.C. § 2254. *Id.* at 2. The petition challenged the Florida Department of Corrections’ calculation of Petitioner’s release date. Doc. 1. On August 31, 2020, the Court dismissed the petition for failure to exhaust administrative remedies. Doc. 55. Petitioner was released from prison on August 21, 2021.¹

The Court denied Petitioner’s motions for reconsideration (Docs. 57, 59), and Petitioner appealed (Doc. 60). On October 8, 2021, the Court of Appeals denied

¹ See www.dc.state.fl.us.

Petitioner's motion for a certificate of appealability. Doc. 70. It is not entirely clear what relief Petitioner seeks in the present motion, but he appears to seek another opportunity to litigate his petition. Doc. 55. Here, the Court of Appeals denied a certificate of appealability. Doc. 70. Petitioner's request for relief in his petition—release from custody—has already occurred. Nor is there any legal basis to apply Fed. R. Civ. P. 41 or 42 to this case, as Petitioner requests. Accordingly, Petitioner's motion (Doc. 71) is **DENIED**.

DONE AND ORDERED in Ocala, Florida, on May 27, 2022.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Petitioner *pro se*
Counsel of Record