

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

LARRY E. BRINSON,

Petitioner,

v.

CASE NO. 6:06-cv-1753-Orl-28KRS

STATE OF FLORIDA, et al.,

Respondents.

ORDER

Petitioner filed a handwritten petition for declaratory relief or for relief pursuant to Federal Rule of Civil Procedure 60(b).¹ Petitioner is seeking relief from his state conviction and sentence. It appears, therefore, that the petition should be characterized as a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254.

Accordingly, not later than **ELEVEN (11) DAYS** from the date of this Order, if Petitioner intends to proceed pursuant to 28 U.S.C. § 2254, he shall file his habeas corpus petition on the habeas corpus form provided as an attachment to this Order by **the Clerk**. Petitioner shall also provide the Clerk with one (1) additional copy of the revised petition for each named Respondent.

If Petitioner does not intend to proceed pursuant to 28 U.S.C. § 2254, he shall file a memorandum addressing why his claims are cognizable pursuant to the statutes and rule on which he relies. **This case will be dismissed without further notice if Petitioner fails to file the habeas**

¹The Court notes that Petitioner does not reference any judgment or sentence entered by this Court from which he seeks relief pursuant to Federal Rule of Civil Procedure 60(b).

petition or the memorandum within this time period.

DONE AND ORDERED at Orlando, Florida, this 17th day of November, 2006.

Karla R. Spaulding

KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE

Copies to:
sc 11/15
Larry E. Brinson