

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAYMOND MORRIS,

Petitioner,

v.

CASE NO. 6:11-cv-924-Orl-28GJK

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

_____ /

ORDER

Petitioner initiated this action for habeas corpus relief pursuant to 28 U.S.C. section 2254 (Doc. No. 1). Petitioner alleges one claim for relief in his habeas petition: trial counsel was ineffective by failing to advise Petitioner of the State's notice seeking to have him sentenced as a Prison Releasee Reoffender, which resulted in him rejecting the State's plea offer.

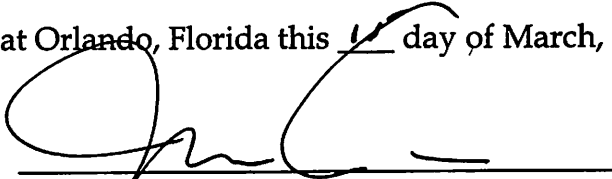
Respondents filed a response to the petition (Doc. No. 10) and argued that this claim should be denied because it was not raised with the state courts and is, therefore, procedurally barred. As a result, they did not address the merits of this claim.

The Court notes that, although this claim may not have been raised verbatim in Petitioner's Rule 3.850 motion, Petitioner appears to have raised this specific claim in "Defendant's Reply to State's Response to Rule 3.850 Motion" and in his appeal of the

denial of his Rule 3.850 motion. See Appendix O and Appendix W. Thus, it appears that this claim is exhausted.

Accordingly, within **TWENTY-ONE (21) DAYS** from the date of this Order, Respondents shall file an "Amended Response to Petition," which shall discuss the merits of Petitioner's claim.

DONE AND ORDERED at Orlando, Florida this 14 day of March, 2012.



JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

Copies to:
OrIP-23/15
Raymond Morris
Counsel of Record