

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DUANE JONES,

Petitioner,

v.

Case No. 6:12-cv-1220-Orl-28KRS

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). Respondents filed a response (Doc. No. 13) to the petition for writ of habeas corpus.

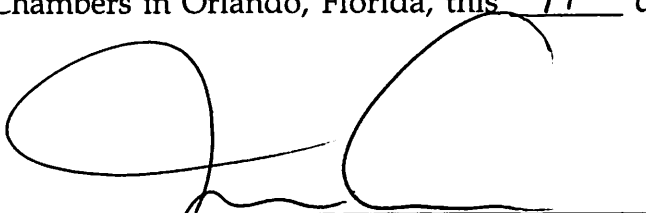
Petitioner is challenging a conviction for resisting arrest with violence that occurred on June 15, 2010, in underlying state court case number 2007-6217-CF. *See* Doc. No. 1 at 1. In the response, Respondents failed to identify or otherwise discuss this conviction, and they failed to submit the underlying state court record relating thereto. It appears that the conviction in case number 2007-6217-CF was used to enhance convictions that occurred in a 2009 case. Respondents assert that the instant petition is untimely, and they may be

correct. However, Respondents have not adequately presented the procedural history of this case and have not provided a complete record.¹

The Court is aware that the underlying state court record may be voluminous and that the procedural history involving this case is likely complex; however, in the absence of a complete record and a more thorough discussion of the procedural history, the Court is unable to properly review Petitioner's habeas petition. As a result, Respondents must file 1) an amended response that clearly and thoroughly discusses the entire procedural history of this case and provides a comprehensive analysis of whether the petition is timely, and 2) the complete state court record.

Accordingly, within thirty (30) days from the date of this Order, Respondents shall file an amended response to petition as discussed above and a complete record pertaining to the underlying state court proceedings. Petitioner is no longer required to comply with the Court's Order of April 2, 2013 (Doc. No. 16). After Respondents file their amended response, the Court will enter an Order allowing Petitioner to file a reply.

DONE AND ORDERED in Chambers in Orlando, Florida, this 11th day of April, 2013.



JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

¹Respondents discuss other cases involving Petitioner from 1993, 1995, and 2009; but, they fail to discuss how all of these cases are connected or otherwise pertinent to the instant habeas petition.

Copies to:
OrIP-2 9/21
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