

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KAMAL SYLVESTER,

Petitioner,

v.

CASE NO. 6:15-cv-2006-Orl-37DCI

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

ORDER

Respondents have filed a Response to this Court's Order to Show Cause. (Doc. 16). The Court directed Respondents to show cause why sanctions should not be imposed for failing to comply with the Court's November 28, 2016 Order directing Respondents to file a Response addressing Petitioner's equitable tolling arguments and a Supplemental Appendix within thirty days from the date of the Order. (Doc. 14). In response to the Order, Respondents assert that the deadline was not calendared through administrative error and that they did not discover their error until the show cause order issued. (Doc. 16 at 1). Respondents further filed a Response to Petitioner's Reply arguing equitable tolling and a Supplemental Appendix. *See* Doc. Nos. 15, 15-1. The Court is concerned about Respondents' failure to calendar deadlines imposed by court order, whether advertent or not, as well as the rather cavalier attitude demonstrated by the response to the show cause order. No explanation of how or why the asserted calendar error occurred is provided. No contrition is expressed for the failure to comply. Likewise, counsel's

response fails to accept personal responsibility for non-compliance with the Court's order and imposed deadline but rather places the blame on unnamed administrative personnel or procedures. Counsel is warned that any future failure to comply with the Court's orders will likely result in sanctions. In light of Respondents' filing of the Response to Petitioner's Reply (Doc. 15) and Supplemental Appendix (Doc. 15-1), the Court will take no further action on the Order to Show Cause. Therefore, the Order to Show Cause (Doc. 14) is **DISCHARGED**.

DONE AND ORDERED in Orlando, Florida, this 23rd day of January, 2017.





ROY B. DALTON JR.
United States District Judge

Copies to:
OrIP-1
Kamal Sylvester
Counsel of Record