

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RODNEY L. HURD,

Petitioner,

v.

CASE NO. 6:16-cv-688-Orl-37GJK

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

ORDER

This case is before the Court on the following matters:

1. Respondents have filed a Response to this Court's Order to Show Cause. (Doc. 14). The Court directed Respondents to show cause why sanctions should not be imposed for misrepresenting that they conferred with counsel and for failing to comply with the Court's November 16, 2016 Order. (Doc. 13 at 1). In response to the Order, Respondents assert that the misrepresentation was inadvertent and that they completed and mailed Petitioner a copy of the Response to Petition as directed in the November 16, 2016 Order and thought they had filed it with the Court but discovered it had not been filed after the show cause order issued. (Doc. 14 at 1-2). Respondents further filed the Response to Petition. (Doc. 15). While the Court is quite concerned about the misrepresentation of conferral with counsel, and the nonchalance reflected in the explanation, in light of Respondents' representations and filing of the Response to


Petition, the Court will take no further action on the Order to Show Cause. Therefore, the Order to Show Cause (Doc. 13) is **DISCHARGED**.

2. Respondents filed a Response to Petition (the "Response") (Doc. 15), requesting that the Court deny the Petition for Writ of Habeas Corpus (the "Petition") (Doc. 1). Petitioner is advised out of an abundance of caution that the denial of the Petition at this stage would represent a final adjudication of this case which may foreclose subsequent litigation on the matter.

Accordingly, Petitioner shall have sixty (60) days from the date of this Order to file a Reply to the Response. Upon the expiration of this time, the Petition, the Response, and the Reply, if one is filed, will be taken under advisement by the Court, and an order will be entered without further notice.

DONE AND ORDERED at Orlando, Florida, this 10th day of January, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
OrIP-1 1/10
Rodney L. Hurd
Counsel of Record