

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

LOUIS RUGGERIO,

Petitioner,

v.

CASE NO. 6:16-cv-1946-T-37TBS  
CRIM. CASE NO. 6:13-cr-32-T-37TBS

UNITED STATES OF AMERICA,

Respondent.

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**ORDER**

This case is before the Court on the following matters:

1. Petitioner's Motion for Clarification (Civ. Doc. 14);
2. Petitioner's Motion for Leave to File a Traverse/Reply to Government's Opposition Brief (Civ. Doc. 6);
3. Petitioner's Motion Requesting Leave to Add Exhibits to a Currently Pending 2255 Motion (Civ. Doc. 18);
4. Petitioner's Memorandum of Law in Support of Motion for Relief Under 18 U.S.C. Section 2255 (Civ. Doc. 17);
5. Petitioner's Motion to Appoint Counsel (Civ. Doc. 15);
6. Petitioner's Motion to Amend Pleadings (Civ. Doc. 16); and
7. Petitioner's Motion for Authorization to Conduct Discovery (Civ. Doc. 19).

Petitioner requests that the Court clarify his deadline for filing a reply in this case, explaining that he requested a deadline of September 28, 2017, but that the Court granted an extension of time of forty-five (45) days from the date of the Order (Civ. Doc. 13), causing the deadline to fall on September 9, 2017. The Court finds good cause to grant the motion for clarification and *sua sponte* extends the deadline for Petitioner to file a reply to November 6, 2017.<sup>1</sup>

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<sup>1</sup> Additionally, because the Court has already given Petitioner permission to file a reply, Petitioner's Motion for Leave to File a Traverse/Reply to Government's Opposition Brief (Civ. Doc. 6) is denied as moot.

Petitioner also requests leave to add exhibits to his Section 2255 petition, although Petitioner fails to specify any particular exhibits that he desires to add. Upon consideration, Petitioner may file the additional exhibits as attachments to his reply.

Further, review of the case file reveals that on September 27, 2017, Petitioner filed a Memorandum of Law in Support of Motion for Relief Under 18 U.S.C. Section 2255 (Civ. Doc. 17). The memorandum exceeds the page limit set forth by the Local Rule 3.01(a), M.D. Fla. Therefore, the Court strikes the memorandum. Petitioner may present those arguments in his reply, which shall not exceed thirty-five (35) pages.

As for Petitioner's Motion to Appoint Counsel (Civ. Doc. 15), the interests of justice do not warrant appointment of counsel in this case at this time. In the event that the Court determines that an evidentiary hearing is necessary, the motion will be reconsidered at that time.

In Petitioner's Motion to Amend Pleadings (Civ. Doc. 16), Petitioner states that he seeks to withdraw grounds 1, 2, and 6 of his Section 2255 Petition (Civ. Doc. 1). The Court grants Petitioner's motion and strikes grounds 1, 2, and 6 from the Petition.

Finally, with regard to Petitioner's request to serve his trial counsel with discovery (Civ. Doc. 19), "[a] habeas petitioner is not entitled to discovery as a matter of course." *Prada v. United States*, 692 F. App'x 572, 574 (11th Cir. 2017). Here, Petitioner has failed to demonstrate good cause for the discovery requested.

Accordingly, it is **ORDERED** that:

1. Petitioner's Motion for Clarification (Civ. Doc. 14) is **GRANTED**. Petitioner may file a reply, not to exceed thirty-five (35) pages, on or before **November 6, 2017**;

2. Petitioner's Motion for Leave to File a Traverse/Reply to Government's Opposition Brief (Civ. Doc. 6) is **DENIED as moot**;
3. Petitioner's Motion Requesting Leave to Add Exhibits to a Currently Pending 2255 Motion (Civ. Doc. 18) is **GRANTED** to the extent that Petitioner may attach any additional exhibits to his forthcoming reply;
4. Petitioner's Memorandum of Law in Support of Motion for Relief Under 18 U.S.C. Section 2255 (Civ. Doc. 17) is **STRICKEN**. Petitioner may include any appropriate arguments from the memorandum in his reply;
5. Petitioner's Motion to Appoint Counsel (Civ. Doc. 15) is **DENIED without prejudice**;
6. Petitioner's Motion to Amend Pleadings (Civ. Doc. 16) is **GRANTED**. The Court strikes grounds 1, 2, and 6 from the Petition; and
7. Petitioner's Motion for Authorization to Conduct Discovery (Civ. Doc. 19) is **DENIED**.

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



  
ROY B. DALTON JR.  
United States District Judge

Copies to:

*Pro Se* Petitioner  
Counsel of Record  
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