

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOHN WOODALL,

Petitioner,

-vs-

Case No. 8:06-cv-627-T-17EAJ

SECRETARY, DEPARTMENT OF
CORRECTIONS; ATTORNEY GENERAL,
STATE OF FLORIDA,

Respondents.

_____ /


ORDER

Petitioner filed a 28 U.S.C. § 2254 petition for writ of habeas corpus. However, Petitioner clearly states that the appeal from the denial of his Rule 3.850 motion is still pending in state court. He states that the Rule 3.850 appeal encompasses the issues in his present federal habeas corpus petition. Because the appeal is pending, the present petition is premature.

Accordingly, the Court orders:

That the present petition is dismissed, without prejudice. The Clerk is directed to enter judgment against Petitioner and to close this case.

ORDERED at Tampa, Florida, on APRIL 12th, 2006.


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Pro se: John Woodall