

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JAMES EDWARDS, JR.,

Plaintiff,

v.

CASE NO: 8:14-cv-2983-T-26AEP

UNITED STATES OF AMERICA,

Defendant.

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**ORDER**

Upon due and careful consideration of the procedural history of the Plaintiff's underlying criminal case,<sup>1</sup> the Court concludes that the Plaintiff is entitled to no relief in that his Motion to Vacate filed pursuant to 28 U.S.C. § 2255 on November 24, 2014, is clearly time-barred.

The Plaintiff's direct appeal was dismissed by the Eleventh Circuit Court of Appeals on September 27, 2011.<sup>2</sup> As noted above, the Plaintiff did not file his motion until November 24, 2014, or more than one year after his conviction became final. Thus, his motion is clearly time-barred under the provisions of §2255(f)(1). Furthermore, the Plaintiff has utterly failed to plead sufficient facts entitling him to the benefit of equitable tolling.

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<sup>1</sup> See case number 8:10-cr-461-T-26AEP.

<sup>2</sup> See id., docket 33.

Accordingly, it is ordered and adjudged that the Plaintiff's Motion to Vacate (Dkt. 1) is denied. The Clerk is directed to enter judgment for the Defendant and to close this case.

**DONE AND ORDERED** at Tampa, Florida, on December 2, 2014.

*s/Richard A. Lazzara*  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**

Counsel of Record

Plaintiff, *pro se*