

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

TED SMITH,

Petitioner,

v.

CASE NO. 1:11-cv-265-MP-GRJ

STATE OF FLORIDA, and
PAM BONDI, FLORIDA ATTORNEY GENERAL

Respondents.

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ORDER

This matter is before the Court on Doc. 14, Petitioner's Motion To Dismiss (Curtail) State's Motion Of Continuance - Due To A Procedural Bar. Petitioner has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254 seeking release from a civil commitment order entered against him in state court. (Doc. 4.) Respondents recently requested an extension of time to respond to the Petition so that the July 14, 2011 state court commitment hearing could be transcribed. (Doc. 12.) The Court granted the request and extended the time to respond to the Petition until March 5, 2012. (Doc. 13.)

In his motion, Petitioner requests the Court to dismiss the Respondents' motion for an extension of time to respond to the Petition and order his immediate release, contending that Petitioner's constitutional rights were violated because the hearing had not been transcribed. Because the Court has granted the Respondent's motion for an extension of time Petitioner's request to dismiss the request is moot. As to the

Plaintiff's request for immediate release, the transcript of the state court hearing committing Petitioner to custody will play an essential role in the Court's review of the Petition. (Doc. 4.) Accordingly, Petitioner's request is denied.

Accordingly, it is **ORDERED**:

Petitioner's Motion To Dismiss (Curtil) State's Motion Of Continuance - Due To A Procedural Bar (Doc. 14) is **DENIED**.

DONE AND ORDERED this 7th day of February, 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge