

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

JAY ALAN MEEKS,

PETITIONER,

-vs-

Case No. 1:15-cv-00252-WTH-CJK

SECRETARY DEPARTMENT OF CORRECTIONS,

RESPONDENT.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated February 6, 2017. ECF No. 30. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Petitioner has filed objections at ECF No. 33. Also, Petitioner filed a Motion for Deferred Ruling with Leave to File Supplemental Response, ECF No. 31, and the Proposed Supplemental Response itself at ECF No. 32. The Court will construe ECF No. 32 as a part of Petitioner's objections to the Report and Recommendation. I have made a de novo review based on the objections found in ECF Nos. 32 and 33.

Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be

adopted. This Court agrees with the Magistrate Judge that Petitioner did not file any state post-conviction motions that tolled the one-year federal time limit until after that time limit had passed. The Magistrate Judge correctly concluded that the request for documents from the clerk and the petition for writ of mandamus did not entitle Petitioner to statutory tolling. Finally, the Court agrees with the Magistrate Judge that Petitioner is not entitled to equitable tolling because Petitioner did not need the documents in his case file to discover and present the grounds in his state post-conviction motions.

Accordingly, the Magistrate Judge's Report and Recommendation, ECF No. 30, is adopted and incorporated by reference in this order. The Clerk is directed to enter a judgment which states as follows: "ECF No. 5, Amended Petition for Writ of Habeas Corpus challenging petitioner's judgment of conviction and sentence in *State of Florida v. Jay Alan Meeks, Alachua County Circuit Court Case No. 09-CF-4074*, is DISMISSED WITH PREJUDICE. A certificate of appealability is DENIED." The motion at ECF No. 31 is denied as moot, and the Clerk is directed to close the file.

IT IS SO ORDERED.

DONE and ORDERED at Gainesville, Florida this 28th day of March, 2017.



UNITED STATES DISTRICT JUDGE