

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

TONY BROWN,

Petitioner,

v.

CASE NO. 4:07-cv-00049-MP-AK

WALTER McNEIL and
FLORIDA PAROL COMMISSION,

Respondents.

ORDER

This matter is before the Court on Doc. 96, Motion for Reconsideration, filed by the petitioner, Tony Brown. In his motion, Petitioner argues for the first time that the revocation was in error because neither the hearing examiner nor the Parole Commission made a specific finding that Petitioner's violation of the terms of his supervised release was both willful and substantial. Petitioner relies solely on case law from Florida's First District Court of Appeal to support his assertion that, absent such a finding, the revocation of his supervised release violated due process. See, e.g., Harris v. Florida Parole Com'n, 986 So.2d 632 (Fla. 1st DCA 2008); Johnson v. Florida Parole Com'n, 958 So.2d 1109 (Fla. 1st DCA 2007); Mathis v. Florida Parole Commission, 944 So.2d 1182 (Fla. 1st DCA 2006). Even if this claim were exhausted, it is not a federal claim upon which relief may be granted in this federal habeas corpus proceeding. See Rainey v. Florida Parole Com'n, 2009 WL 195945 *2 (S.D. Fla. 2009) (slip copy). Finding no

other reason to reconsider the previous order, it is hereby

ORDERED AND ADJUDGED:

The Motion for Reconsideration (Doc. 96) is DENIED.

DONE AND ORDERED this 16th day of April, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge