

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

MICHAEL A. JACKSON,

Petitioner,

vs.

4:09cv217-RH/WCS

WALTER McNEIL,

Respondent.

_____ /

REPORT AND RECOMMENDATION TO DISMISS § 2254 PETITION

Petitioner filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and supporting memorandum. Docs. 1 and 2. He paid the filing fee.

This Petitioner filed an earlier § 2254 petition challenging the same four convictions and life sentences for robbery imposed by the Second Judicial Circuit, Leon County, case numbers 02-1404, 02-1504, 02,-1460, and 02-1573. Jackson v. State of Florida, Case No. 4:09cv131-MP/WCS. That petition was filed on April 7, 2009.

Petitioner filed this petition, believing that "petition was not [accepted] / processed because Defendant was not able to pay the filing fee due to him not having access to his inmate account." Doc. 1 in this case, p. 14. No claims are raised here which are not raised in the other case. *Compare* docs. 1 and 2 of both files.

The history of that case is set forth in a separate report and recommendation, signed at the same time as this one, recommending summarily dismissal under the one year limitations period for filing a § 2254 petition. Petitioner should proceed in that case by filing any additional arguments or objections; he is not entitled to pursue two identical petitions at the same time. This petition should be summarily dismissed as redundant.

It is therefore respectfully **RECOMMENDED** that the instant § 2254 petition, challenging Petitioner's convictions and life sentences for armed robbery, imposed by the Second Judicial Circuit, Leon County, be **SUMMARILY DISMISSED** as Petitioner has a § 2254 petition challenging the same judgment is pending in Case No. 4:09cv131-MP/WCS.

IN CHAMBERS at Tallahassee, Florida, on August 13, 2009.

S/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.