

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

JAMES DAVIS,

Petitioner,

v.

CASE NO. 4:10-cv-544-MP-GRJ

SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

_____ /

ORDER

This matter is before the Court on Petitioner's Motion Renewing Objection On Respondent's Fourth Request For Enlargement Of Time, Including Motion Requesting Judgment On the Pleadings. (Doc. 24.) Petitioner argues that the Court should not grant Respondent's fourth motion for extension of time (Doc. 22) because Respondent has failed to show good cause. Petitioner also asks the Court to grant judgment on the pleadings in this case, presumably as a sanction for Respondent's failure to respond to the Petition.

The Court already has granted Respondent's fourth motion for extension of time. (Doc. 23.) While the Court is cognizant of the fact that several extensions of time have been granted, under the circumstances presented by Respondent, there was sufficient cause for granting the extension.

With respect to Petitioner's request for judgment on the pleadings, a motion for judgment on the pleadings is inapplicable to a Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus By A Person in State Custody.

Accordingly, upon due consideration, it is **ORDERED**:

Petitioner's Motion Renewing Objection On Respondent's Fourth Request For Enlargement Of Time, Including Motion Requesting Judgment On the Pleadings (Doc. 24) is **DENIED**.

DONE AND ORDERED this 2nd day of August, 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge