

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

ED COX, JR.,

Petitioner,

v.

CASE NO. 4:17cv338-RH/EMT

JULIE L. JONES,

Respondent.

_____ /

**ORDER STAYING THE CASE PENDING
EXHAUSTION OF STATE REMEDIES**

By a petition for a writ of habeas corpus under 28 U.S.C. § 2254, Ed Cox, Jr. challenges his Florida state-court conviction. The case is before the court on the magistrate judge's report and recommendation. No objections have been filed.

The report and recommendation correctly concludes that Mr. Cox has exhausted his state remedies on one claim but not on two others. The recommendation is to stay the case pending exhaustion. In the meantime, Mr. Cox has appealed, mischaracterizing the report and recommendation as a final ruling on the merits of Mr. Cox's claims. Because the report and recommendation is not a ruling on the merits and is not otherwise appealable, this order denies a certificate

of appealability and denies leave to proceed on appeal in forma pauperis. The appeal is not taken in good faith.

IT IS ORDERED:

1. All proceedings other than the clerk's processing of Mr. Cox's appeal are stayed pending exhaustion of state-court remedies.

2. Each party is responsible for filing a notice in this court within 30 days after all state-court remedies have been exhausted. But after one party has filed a notice, the other party is not required to file another notice.

3. The respondent must file, by the last day of each August and February while the stay is in effect (beginning with August 2019), a report very briefly setting out the status of state-court proceedings.

4. A certificate of appealability is denied.

5. The motions for leave to proceed on appeal in forma pauperis, ECF Nos. 58 and 61, are denied.

SO ORDERED on February 2, 2019.

s/Robert L. Hinkle
United States District Judge