

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

MICHAEL JASON JAMES,

Petitioner,

v.

Case No. 4:22-cv-77-AW-MJF

**SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,**

Respondent.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Michael Jason James pleaded *nolo contendere* in Florida state court to sexual battery. He was sentenced to ten years' prison, and he did not appeal. Years later, he seeks § 2254 relief in this court. His claim is that state courts have no jurisdiction over criminal cases—only civil cases. But I need not reach the merits of that claim because, as the magistrate judge explains, the § 2254 petition is untimely.

The magistrate judge's August 10, 2022 report and recommendation sets out the facts and law. I adopt that report and recommendation and incorporate it into this order.

James filed objections after the deadline, and he asks the court to accept them as timely filed. ECF No. 18. I do accept them as timely, and I have considered the objections de novo. James asks the court to create an exception to the one-year statute of limitations based on his ADHD and other limitations. I overrule the

objections. Even assuming such limitations could toll the statute of limitations in some case, James has not shown that they should do so here. He has not shown that he was unable to present his claim within the limitations period.

The Secretary's motion to dismiss (ECF No. 11) is GRANTED. As noted above, the report and recommendation (ECF No. 18) is ADOPTED. The clerk will enter a judgment that says, "The § 2254 petition is dismissed with prejudice as time-barred." The clerk will then close the file. A certificate of appealability is DENIED.

SO ORDERED on September 19, 2022.

s/ Allen Winsor

United States District Judge