

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

PHILLIP VAN ZANT,
Petitioner,

vs.

Case No.: 5:05cv208/RS/EMT

FLORIDA PAROLE COMMISSION
Respondent.

ORDER

This cause is before the court on Petitioner's reply (Doc. 149) to Respondent's answer (Doc. 129) to the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1). Upon review of the pleadings, the court notes that Respondent addressed only four of Petitioner's eight claims (*see* Doc. 129 at 8–23), despite the court's previous instruction to address all eight claims (*see* Doc. 116 at 1 n.1). Rule 5 of the Rules Governing Section 2254 Cases provides that the answer must address the allegations in the petition. *See* Rules Governing Section 2254 Cases in the United States District Courts 5(b). Furthermore, Respondent's addressing all of Petitioner's claims will aid the court in making a just disposition of this matter. *See* 28 U.S.C. § 2243 (court shall dispose of petition as law and justice requires). Therefore, Respondent will be required to file an amended answer.

Accordingly, it is **ORDERED**:

Within **THIRTY (30) DAYS** from the date of docketing of this order, Respondent shall file an amended answer addressing all eight of Petitioner's claims.

DONE AND ORDERED this 15th day of October 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE