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

DAN SCHMIDT,

       Petitioner,

v.                              CASE NO. 5:12-cv-00226-MP-EMT

KENNETH S TUCKER, et al.,

       Respondents.

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### **O R D E R**

Previously, the Court directed the Magistrate Judge to revisit the issues raised in

petitioner's Second Motion to Supplement Record and Second Motion to Consolidate Cases

(Doc. 56, 69) to provide a fuller factual and legal basis for the Court to review. The Magistrate

Judge has done so in a thorough order at Doc. 80, to which Mr. Schmidt objected, Doc. 92. With

regard to the motion to consolidate cases, the Court has separately dismissed Mr. Schmidt's case

in 5:12-cv-00305 for abuse of the judicial process. Thus, the motion at Doc. 69 is moot and was

properly denied. Second, the Court agrees with the Magistrate Judge that respondents may await

a ruling on the motions concerning exhaustion of remedies in the instant case before filing

answers and submitting those portions of the state court record required by Rule 5. Thus, Doc.

56 was properly denied in part as premature.

Additionally, Mr. Schmidt objected, Doc. 90, to the Magistrate Judge's order denying

him release on bail pending the outcome of the case. Doc. 85. As stated in Docs. 20 and 22, Mr.

Schmidt's claims are not likely to succeed on the merits, and bail is not appropriate in his case.

Finally, at Doc. 86, the Court overruled Mr. Schmidt's objection at Doc. 83 to the order

of the Magistrate Judge, Doc. 75, on Mr. Schmidt's frivolous motion to disqualify counsel. Doc.

68. Mr. Schmidt moved to postpone that ruling, Doc. 87, or to amend it, Doc. 91. Neither

document, including the addendum at Doc. 89, provides any meritorious argument to revisit the

previous orders.

Accordingly, it is hereby

**ORDERED AND ADJUDGED**:

1. The motions at Doc. 87 and 91 are denied.

2. The objections at Doc. 90 and 92 are overruled.

**DONE AND ORDERED** this _4th_ day of March, 2013

*s/Maurice M. Paul*

Maurice M. Paul, Senior District Judge