

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 17-81320-CV-MIDDLEBROOKS/Reid

MICHAEL SMITH,

Petitioner,

v.

MARK INCH,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE comes before the Court on Magistrate Judge Lisette Reid's Report (DE 17), recommending denial of Petitioner Michael Smith's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 (DE 1). Following a trial in state court in 2008, Petitioner was convicted of three counts of vehicular homicide. He filed this habeas petition after having appealed his conviction, and after filing for post-conviction relief in state court. Judge Reid's Report recommends denial of two of Smith's claims as unexhausted and procedurally barred, and denial of one claim on the merits. (DE 17).

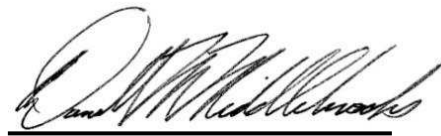
Judge Reid's Report was issued on June 29, 2020. On July 14, 2020, Petitioner moved for a 90-day extension of time to file objections based upon pandemic-related lock-downs at his prison, which he said was hindering his access to the law library. (DE 18). I granted the motion in part and extended the deadline by 30 days, until August 13, 2020. (DE 19). On August 6, 2020, Petitioner filed another motion for extension of time to file objections, this time seeking 120 additional days, citing the same issues relating to the pandemic and his access to the law library. (DE 20). I granted this motion in part, and extended the deadline by another 30 days, until

September 14, 2020. (DE 21). It is now nearly six weeks past the second extended deadline, and Petitioner has not filed objections nor sought an additional extension of time.

Upon review of the Report and the record as a whole, I agree with Magistrate Judge Reid's conclusion that the petition in this case should be denied. Accordingly, it is **ORDERED AND ADJUDGED** that:

- (1) Magistrate Judge Reid's Report (DE 17) is hereby **ADOPTED**.
- (2) Michael Smith's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 (DE 1) is **DENIED**.
- (3) Michael Smith's request for an evidentiary hearing is **DENIED**.
- (4) No certificate of appealability shall issue.
- (5) The Clerk of the Court is directed to **CLOSE THIS CASE and DENY** all pending motions **AS MOOT**.

**DONE AND ORDERED** in Chambers in West Palm Beach, Florida, this 30th day of October, 2020.



Donald M. Middlebrooks  
United States District Judge

Copies to: Counsel of Record;  
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