

**In the United States District Court  
For the Southern District of Georgia  
Brunswick Division**

IMARE' FRANKLIN,

Petitioner,

v.

NEAL JUMP,

Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CIVIL ACTION NO.: 2:17-cv-43

**ORDER**

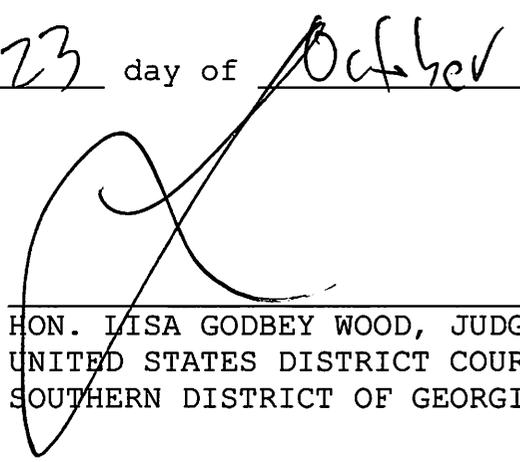
After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's August 25, 2017, Report and Recommendation, dkt. no. 14, to which Petitioner Imare' Franklin ("Franklin") filed Objections, dkt. nos. 15, 16.<sup>1</sup> Accordingly, the Court **OVERRULES** Franklin's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court.<sup>2</sup>

<sup>1</sup> Franklin also filed an Affidavit of Fact from his state criminal case. Dkt. No. 16. However, this affidavit is entirely unresponsive to the Magistrate Judge's Report and Recommendation.

<sup>2</sup> Franklin argues in his Objections that he could not respond to Respondent's Motion to Dismiss because he had limited access to the law library at Autry State Prison and he received all his legal mail three to four days later. Dkt. No. 15, p. 1. These Objections are insufficient to overcome the Magistrate Judge's reasons for dismissal. If Franklin had difficulty responding to the Motion to Dismiss, he should have filed a Motion for Extension of Time to Respond to Respondent's Motion to Dismiss. However, he failed to file such a

The Court **DISMISSES without prejudice** Franklin's Petition for Writ of Habeas Corpus, brought pursuant to 28 U.S.C. § 2254, and **DISMISSES as moot** Franklin's Motion for Production Order, dkt. no. 8, and **DISMISSES as moot** Respondent's Motion to Dismiss, dkt. no. 10. Additionally, the Court **DENIES** Franklin a Certificate of Appealability and **DENIES** Franklin leave to proceed *in forma pauperis* on appeal. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 23 day of October, 2017.



---

HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

---

Motion. In fact, Franklin had no difficulty timely filing a copy of his "Motion to Modify Sentence" from his state criminal case and timely filing Objections to the Magistrate Judge's Report and Recommendation.