

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

FRANKLIN L. WILLIAMS,

Petitioner,

v.

THE ATTORNEY GENERAL OF THE
STATE; R.E. CURRIE; and ATTORNEY
MARTIN EAVES,

Respondents.

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CIVIL ACTION NO.: 5:15-cv-27

ORDER

Presently before the Court is Petitioner Franklin Williams' ("Williams") Motion for Relief from Judgment. Dkt. No. 30. For the reasons which follow, the Court **DISMISSES** Williams' Motion.

This Court dismissed Williams' 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus and Writ of Error Coram Nobis on February 19, 2016. Dkt. No. 11. Williams filed Notices of Appeal. Dkt. Nos. 14, 20. The Eleventh Circuit Court of Appeals denied Williams' motions to proceed *in forma pauperis* in that Court after finding his appeals were frivolous and advised Williams he had fourteen (14) days to pay the requisite filing fee or his appeals would be dismissed. Dkt. No. 27. Williams

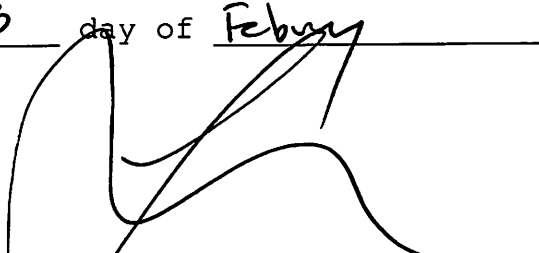
failed to pay the filing fee, and his appeals were dismissed for lack of prosecution. Dkt. Nos. 28, 31.

In his Motion, Williams objects to the Eleventh Circuit's dismissal of his appeals for lack of prosecution based on his failure to pay the appellate filing fee. Dkt. No. 30, p. 2. Williams states the fact that his appeals were dismissed without a ruling on the merits shows "that a [sic] injunction was filed without notice as well as no opportunity to be heard was granted. Just dismissed as to the 14 days to pay filing fee." Id. Williams attached to his Motion the letter from the Eleventh Circuit Clerk of Court informing this Court that Williams' appeal had been dismissed for failure to prosecute because Williams had failed to pay the filing fee. Id. at p. 4; Dkt. No. 28.

It is clear Williams mistakenly sent his Motion to this Court. Through his Motion, he seeks relief from the Eleventh Circuit Court of Appeals' dismissal and judgment, not from the judgment of this Court. Consequently, this Court **DISMISSES** Williams' Motion.

Should Williams wish to move the Eleventh Circuit Court of Appeals for relief from its judgment, he must do so by filing a motion in that Court.

SO ORDERED, this 23 day of February, 2017.



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