**RAYMOND TAVELLE HOLMES, Petitioner-Appellant, versus SECRETARY, DEPARTMENT OF CORRECTIONS, ATTORNEY GENERAL, STATE OF FLORIDA, Respondents-Appellees.**
**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**
**2019 U.S. App. LEXIS 22002**
**No. 19-10439-H**
**July 23, 2019, Decided**

**Editorial Information: Prior History**

**{2019 U.S. App. LEXIS 1}**Appeal from the United States District Court for the Middle District of Florida.Holmes v. Sec'y, Department of Corrections, 2019 U.S. App. LEXIS 16208 (11th Cir. Fla., May 30, 2019)

**Counsel** **RAYMOND TAVELLE HOLMES** (State Prisoner: X79461), Petitioner - Appellant, Pro se, BONIFAY, FL.

For SECRETARY, DEPARTMENT OF CORRECTIONS, ATTORNEY GENERAL, STATE OF FLORIDA, Respondent - Appellees: Bonnie Jean Parrish, Ashley Moody, Attorney General's Office, DAYTONA BEACH, FL.

**Judges:** Before: WILSON and JORDAN, Circuit Judges.

**Opinion**

BY THE COURT:

**Raymond Tavelle Holmes** has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's order dated May 30, 2019, denying his motions for a certificate of appealability and leave to proceed *in forma pauperis*, in his appeal of the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition. Upon review, Holmes's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit that warrant relief.

**RAYMOND TAVELLE HOLMES, Petitioner-Appellant, versus SECRETARY, DEPARTMENT OF CORRECTIONS, ATTORNEY GENERAL, STATE OF FLORIDA, Respondents-Appellees.**
**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**
**2019 U.S. App. LEXIS 16208**
**No. 19-10439-H**
**May 30, 2019, Decided**

**Editorial Information: Subsequent History**

Reconsideration denied by Holmes v. Sec'y, Dep't of Corr., 2019 U.S. App. LEXIS 22002 (11th Cir. Fla., July 23, 2019)

**Editorial Information: Prior History**

**{2019 U.S. App. LEXIS 1}**Appeal from the United States District Court for the Middle District of Florida.Holmes v. State, 103 So. 3d 261, 2012 Fla. App. LEXIS 21958 (Fla. Dist. Ct. App. 5th Dist., Dec. 21, 2012)

**Counsel** Raymond Tavelle Holmes, Petitioner - Appellant, Pro se, Bonifay, FL.
For Secretary, Department of Corrections, Attorney General, State of Florida, Respondents - Appellees: Bonnie Jean Parrish, Attorney General's Office, Daytona Beach, FL; Ashley Moody, Attorney General's Office, Daytona Beach, FL.

**Judges:** Charles R. Wilson, UNITED STATES CIRCUIT JUDGE.

**Opinion**

**Opinion by:** Charles R. Wilson

**Opinion**

ORDER:

To merit a certificate of appealability, Raymond Tavelle Holmes must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Holmes has failed to make the requisite showing, his motion for a certificate of appealability is DENIED. His motion for leave to proceed on appeal *in forma pauperis* is DENIED AS MOOT.

/s/ Charles R. Wilson

UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAYMOND TAVELLE HOLMES,

Petitioner,

v. Case No: 6:17-cv-369-Orl-18KRS

SECRETARY, DEPARTMENT OF CORRECTIONS, and ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents.
_____/

**ORDER**

THIS CAUSE is before the Court on Petitioner Raymond Tavelle Holmes' Petition for Writ of Habeas Corpus ("Petition," Doc. 1) filed pursuant to 28 U.S.C. § 2254. Respondents filed a Response to Petition ("Response," Doc. 14) in compliance with this Court's instruction. Petitioner filed a Reply to the Response ("Reply," Doc. 18).

Petitioner asserts seven grounds for relief. For the following reasons, the Petition is denied.

## I. PROCEDURAL HISTORY

The State Attorney of the Ninth Judicial Circuit for the State of Florida charged Petitioner with two counts of lewd or lascivious battery and three counts of sexual activity with a sixteen or seventeen-year-old child (Counts One through Five). (Doc. 17-2 at 55-58.) A jury found Petitioner guilty as charged. (*Id.* at 115-21.) The state court sentenced Petitioner to fifteen-year terms of imprisonment for Counts One through Four

with the sentence for Count Four to run consecutive to the sentence for Counts One and Two and to a fifteen-year term of sex offender probation for Count Five. (Doc. 17-3 at 9-14.) Petitioner appealed, and the Fifth District Court of Appeal of Florida ("Fifth DCA") affirmed *per curiam*. (Doc. 17-4 at 642.)

Petitioner filed a motion for post-conviction relief pursuant to Rule 3.850 of the Florida Rules of Criminal Procedure, which he amended several times. (Doc. 17-5 at 196-223.) The state court denied the motion. (*Id.* at 225-30.) Petitioner appealed, and the Fifth DCA affirmed *per curiam* and denied Petitioner's motion for rehearing. (*Id.* at 279, 289.)

Petitioner filed a state petition for writ of habeas corpus. (*Id.* at 292-96.) The Fifth DCA summarily denied the petition. (*Id.* at 397.)

## II. LEGAL STANDARDS

### A. Standard of Review Under the Antiterrorism Effective Death Penalty Act ("AEDPA")

Pursuant to the AEDPA, federal habeas relief may not be granted with respect to a claim adjudicated on the merits in state court unless the adjudication of the claim:

> (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
>
> (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(d). The phrase "clearly established Federal law," encompasses only the holdings of the Supreme Court of the United States "as of the time of the relevant state-court decision." *Williams v. Taylor*, 529 U.S. 362, 412 (2000).

"[S]ection 2254(d)(1) provides two separate bases for reviewing state court decisions; the 'contrary to' and 'unreasonable application' clauses articulate independent considerations a federal court must consider." *Maharaj v. Sec'y for Dep't of Corr.*, 432 F.3d 1292, 1308 (11th Cir. 2005). The meaning of the clauses was discussed by the Eleventh Circuit Court of Appeals in *Parker v. Head*, 244 F.3d 831, 835 (11th Cir. 2001):

> Under the "contrary to" clause, a federal court may grant the writ if the state court arrives at a conclusion opposite to that reached by [the United States Supreme Court] on a question of law or if the state court decides a case differently than [the United States Supreme Court] has on a set of materially indistinguishable facts. Under the 'unreasonable application' clause, a federal habeas court may grant the writ if the state court identifies the correct governing legal principle from [the United States Supreme Court's] decisions but unreasonably applies that principle to the facts of the prisoner's case.

Even if the federal court concludes that the state court applied federal law incorrectly, habeas relief is appropriate only if that application was "objectively unreasonable." *Id.*

Finally, under § 2254(d)(2), a federal court may grant a writ of habeas corpus if the state court's decision "was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." A determination of a factual issue made by a state court, however, shall be presumed correct, and the habeas petitioner must rebut the presumption of correctness by clear and convincing evidence. *See Parker*, 244 F.3d at 835-36; 28 U.S.C. § 2254(e)(1).

**B. Standard for Ineffective Assistance of Counsel**

The Supreme Court of the United States in *Strickland v. Washington*, 466 U.S. 668 (1984), established a two-part test for determining whether a convicted person is entitled to relief on the ground that his counsel rendered ineffective assistance: (1) whether

counsel's performance was deficient and "fell below an objective standard of reasonableness"; and (2) whether the deficient performance prejudiced the defense.[1] *Id.* at 687-88. A court must adhere to a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance. *Id.* at 689-90. "Thus, a court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." *Id.* at 690; *Gates v. Zant*, 863 F.2d 1492, 1497 (11th Cir. 1989).

As observed by the Eleventh Circuit Court of Appeals, the test for ineffective assistance of counsel:

> has nothing to do with what the best lawyers would have done. Nor is the test even what most good lawyers would have done. We ask only whether some reasonable lawyer at the trial could have acted, in the circumstances, as defense counsel acted at trial. Courts also should at the start presume effectiveness and should always avoid second guessing with the benefit of hindsight. *Strickland* encourages reviewing courts to allow lawyers broad discretion to represent their clients by pursuing their own strategy. We are not interested in grading lawyers' performances; we are interested in whether the adversarial process at trial, in fact, worked adequately.

*White v. Singletary*, 972 F.2d 1218, 1220-21 (11th Cir. 1992) (citation omitted). Under those rules and presumptions, "the cases in which habeas petitioners can properly prevail on the ground of ineffective assistance of counsel are few and far between." *Rogers v. Zant*, 13 F.3d 384, 386 (11th Cir. 1994).

---

[1]In *Lockhart v. Fretwell*, 506 U.S. 364, 372 (1993), the Supreme Court of the United States clarified that the prejudice prong of the test does not focus solely on mere outcome determination; rather, to establish prejudice, a criminal defendant must show that counsel's deficient representation rendered the result of the trial fundamentally unfair or unreliable.

## III. ANALYSIS

### A. Ground One

Petitioner asserts counsel rendered ineffective assistance by failing to move to suppress the text messages seized from his cell phone without a warrant. (Doc. 1 at 5.) Petitioner maintains that the police took his phone at the time of his arrest, looked at his text messages, kept the phone, and obtained the text messages from his service provider without a warrant. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief pursuant to *Strickland*. (Doc. 17-5 at 226.) The state court reasoned that the text messages were available from the victim and her mother's cell phones. (*Id.*) The state court determined, therefore, that prejudice did not result from counsel's failure to move to suppress the text messages obtained from Petitioner's service provider because the messages were available from an alternate source and would have been admissible. (*Id.*)

The state court's denial of this ground is not contrary to, or an unreasonable application of, *Strickland*. To obtain relief on a claim of ineffective assistance premised on failure to file motion to suppress, a petitioner "must prove (1) that counsel's representation fell below an objective standard of reasonableness, (2) that the [suppression] claim is meritorious, and (3) that there is a reasonable probability that the verdict would have been different absent the excludable evidence." *Zakrzewski v. McDonough*, 455 F.3d 1254, 1260 (11th Cir. 2006) (citing *Kimmelman v. Morrison*, 477 U.S. 365, 375 (1986)). Assuming counsel was deficient for failing to move to suppress the text messages obtained from Petitioner's service provider without a warrant, Petitioner has

not shown that prejudice resulted from counsel's failure to do so. The text messages admitted into evidence were between Petitioner and one of the victims. The text messages were sent to Petitioner and received by the victim on her mother's cell phone and the victim's iPod. Petitioner offers no reason why the text messages could not be obtained from the victim's mother's phone or the victim's iPod or from their service providers. Furthermore, the evidence against Petitioner included the testimony of both victims, who testified about similar conduct by Petitioner and included details concerning the circumstances surrounding the offenses that were corroborated by other witnesses. Consequently, Petitioner has not demonstrated a reasonable probability that the outcome of the trial would have been different had counsel moved to suppress the text messages obtained from Petitioner's service provider. Accordingly, ground one is denied pursuant to § 2254(d).

**B. Ground Two**

Petitioner asserts counsel rendered ineffective assistance by failing to timely move to sever Counts One and Two from Counts Three through Five. (Doc. 1 at 7.) In support of this ground, Petitioner argues that the counts should have been severed for separate trials because they involved different victims and Counts Three through Five permitted the admission of *Williams*[2] Rule evidence. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief.

---

[2] *Williams v. State*, 110 So. 2d 654 (Fla. 1959) (evidence of collateral crimes is admissible at trial when it is not introduced to prove the bad character or criminal propensity of the defendant, but is used to show motive, intent, knowledge, *modus operandi*, or lack of mistake).

(Doc. 17-5 at 226-27.) The state court reasoned that counsel moved to sever Counts One and Two from Counts Three through Five and the trial court denied the motion on the merits. (*Id.*)

The state court's denial of this ground is not contrary to, or an unreasonable application of, *Strickland*. At the beginning of trial, counsel moved to sever Counts One and Two from the remaining counts because of the *Williams* Rule evidence. (Doc. 17-4 at 81-84.) The trial court denied the motion because the *Williams* Rule evidence did not present a danger of confusing the jury regarding the individual charges as to each victim. (*Id.* at 84-85.) Contrary to Petitioner's contention, the trial court did not deny the motion as untimely. Counsel, therefore, was not deficient, and prejudice did not result from counsel's performance. Accordingly, ground two is denied pursuant to § 2254(d).

**C. Ground Three**

Petitioner maintains counsel rendered ineffective assistance by failing to object to the admission of *Williams* Rule evidence. (Doc. 1 at 8.) Specifically, Petitioner contends counsel failed to object when the State offered the evidence during trial. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief. (Doc. 17-5 at 227.) The state court reasoned that counsel did object to the admission of the *Williams* Rule evidence. (*Id.*)

The state court's denial of this ground is neither contrary to, nor an unreasonable application of, *Strickland*. At the beginning of trial, counsel objected to the admission of the *Williams* Rule evidence. (Doc. 17-4 at 34-37.) The trial court denied the motion, based on the similarity of the evidence to the charged offenses, the proximity in time of the other

acts to the charged offenses, and the involvement of one of victim's in the other acts. (*Id.* at 81-82.) During the trial, the court noted counsel's prior objection to the admission of the *Williams* Rule evidence for the record. (*Id.* at 452.) Petitioner has not shown that counsel was deficient or that prejudice resulted from counsel's failure to further object to the admission of the *Williams* Rule evidence. Accordingly, ground three is denied pursuant to § 2254(d).

**D. Ground Four**

Petitioner contends counsel rendered ineffective assistance by failing to object the closure of the courtroom during the victims' testimony. (Doc. 1 at 10.) Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief. (Doc. 17-5 at 228.) The state court concluded that Petitioner failed to demonstrate prejudice. (*Id.*)

Petitioner has not established that the state court's denial of this ground is contrary to, or an unreasonable application of, clearly established federal law. To prevail on an ineffective assistance claim stemming from counsel's failure to object to the closing of the courtroom, the petitioner "must show a reasonable probability of a different result in the trial if counsel had objected." *Purvis v. Crosby*, 451 F.3d 734, 743 (11th Cir. 2006); *see also Weaver v. Massachusetts*, 137 S. Ct. 1899, 1911 (2017). The record reflects that counsel objected to the closure of the courtroom. *See* Doc. 17-4 at 256-57. Furthermore, given the evidence presented, Petitioner has failed to demonstrate that his trial was fundamentally unfair or that a reasonable probability exists that the outcome of the trial would have been different had counsel objected to the closure of the courtroom when the victims testified. Accordingly, ground four is denied pursuant to § 2254(d).

**E. Ground Five**

Petitioner asserts counsel rendered ineffective assistance by failing to call multiple witnesses to testify. (Doc. 1 at 12.) Petitioner notes that counsel failed to call David Tillman ("Tillman"), who would have testified that: (1) he was in the room when one of the victim's came to his and Petitioner's hotel room on the date of the offenses and asked Petitioner not to tell that she was in another boys room nude the prior evening, (2) he (Tillman) was present when the other victim told Petitioner that she had been assaulted by her mother's boyfriend, (3) the victims threatened to retaliate when Petitioner told them he had to report the matters to their school on their return from the field trip, and (4) Tillman was with Petitioner the entire trip. (Doc. 3 at 17-18.) Petitioner further complains that counsel failed to call Kanetra Bright ("Bright") and Eugene Davis ("Davis"), members of the track team who also went on the field trip, and Ashley Ferrell, Petitioner's fiancée. (*Id.* at 18-19.) According to Petitioner, Bright would have testified that she saw: (1) another male enter one of the victim's room the night of the incident and did not see him leave the room, refuting the victim's testimony that Petitioner spent the night in her room, and (2) Petitioner and Tillman escorting the other victim from another male's room that night. (*Id.*) Similarly, Petitioner contends that Davis would have testified that one of the victims entered the room he shared with another track team member and was escorted out of the room by Petitioner and Tillman and that another male was in the other victim's room on the night of the incident. (*Id.*) Finally, Petitioner maintains that Ferrell would have testified that she was with Petitioner in his hotel room when the offenses allegedly occurred. (*Id.* at 19-20.) Petitioner notes that counsel told him at the close of the

State's case that the State had not proven its case and the defense had no duty to call witnesses. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief. (Doc. 17-5 at 228-29.) The state court reasoned that Petitioner was questioned at trial about counsel's decision not to call Tillman as a witness and Petitioner indicated he was comfortable with her decision. (*Id.*) The state court further noted that the trial court asked Petitioner if there were any witnesses he wanted counsel to call that she failed to call and Petitioner twice responded negatively. (*Id.*)

Petitioner has not established that the state court's denial of this ground is contrary to, or an unreasonable application of, *Strickland*.

> [C]omplaints about uncalled witnesses are not favored, because the presentation of testimony involves trial strategy and "allegations of what a witness would have testified are largely speculative." *Buckelew v. United States*, 575 F.2d 515, 521 (5th Cir. 1978). Deciding which witnesses to call "is the epitome of a strategic decision, and it is one that we will seldom, if ever, second guess." *Rhode v. Hall*, 582 F.3d 1273, 1284 (11th Cir. 2009).

*Shaw v. United States*, 729 F. App'x 757, 759 (11th Cir. 2018) (footnote omitted). Petitioner has not offered any evidence demonstrating what testimony these witnesses would have provided. "[E]vidence about the testimony of a putative witness must generally be presented in the form of actual testimony by the witness or on affidavit. A defendant cannot simply state that the testimony would have been favorable; self-serving speculation will not sustain an ineffective assistance claim." *United States v. Ashimi*, 932 F.2d 643, 650 (7th Cir. 1991) (footnotes omitted)).

Furthermore, the trial court thoroughly questioned Petitioner about counsel's

decision not to call additional witnesses, and Petitioner said there were no witnesses he wanted counsel to call that she did not call. (Doc. 17-4 at 574.) Petitioner knew that Tillman, who is Petitioner's nephew, was present and available to testify at trial but agreed with counsel's decision not to call Tillman as a witness. (*Id.* at 497-98.) The Court further notes that it is nonsensical that counsel called a witness to testify and that Petitioner agreed with counsel's failure to call Tillman, Bright, Davis, or Ferrell if, as alleged by Petitioner, counsel advised him that the State failed to prove its case and the defense did not need to call witnesses. Finally, evidence such as the text messages between Petitioner and one of the victims and the testimony of other witnesses who attended the field trip corroborated some of the victims' testimony. Petitioner, therefore, has not established deficient performance or prejudice. Accordingly, ground five is denied pursuant to § 2254(d).

**F. Ground Six**

Petitioner maintains counsel rendered ineffective assistance by advising him that his testimony was unnecessary. (Doc. 1 at 14.) Petitioner notes that counsel told him that the State had not proven its case and the defense had no duty to prove anything. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief. (Doc. 17-5 at 229-30.) The state court reasoned that Petitioner was advised of his right to testify and indicated he chose not to do so and was not forced to forego testifying. (*Id.*)

The state court's denial of this ground is not contrary to, or an unreasonable application of, *Strickland*. The trial court advised Petitioner that he had an absolute right to testify, and Petitioner affirmed he understood this. (Doc. 17-4 at 498.) After noting that

Petitioner had seen all the State's evidence, the trial court asked Petitioner if he wished to testify to which he responded negatively. (*Id.* at 498-500.) Petitioner affirmed that no one had threatened him to make that decision and that he was comfortable with the decision not to testify. (*Id.* at 499-500.)

Even assuming counsel advised Petitioner it was not necessary for him to testify, Petitioner knew the evidence that was presented against him. Consequently, Petitioner was able to evaluate the strength of the State's case himself before choosing not to testify. Moreover, the evidence against Petitioner was substantial. Petitioner, therefore, has not demonstrated deficient performance or prejudice. Accordingly, ground six is denied pursuant to § 2254(d).

D is a layman in the law and not able to evaluate the evidence. That is the job of his counsel

**G. Ground Seven**

Petitioner asserts counsel rendered ineffective assistance by failing to move for a judgment of acquittal. (Doc. 1 at 15.) In support of this ground, Petitioner argues counsel failed to move for a judgment of acquittal as to Counts Four and Five on the basis that the evidence did not establish that the offenses occurred on March 12, 2010, as alleged in the amended information. (*Id.*)

Petitioner raised this ground in his Rule 3.850 motion. The state court denied relief. (Doc. 17-5 at 230.) The state court reasoned that at the close of trial after counsel indicated she was not moving for a judgment of acquittal, the trial court noted that it had reviewed the elements of the offenses and considered the evidence and that the case was legally sufficient to proceed to the jury. (*Id.*) The state court determined, therefore, that the trial court's statements indicated that a judgment of acquittal would have been denied, and

thus, no prejudice resulted from counsel's failure to move for a judgment of acquittal. (*Id.*)

The state court's denial of this ground is not contrary to, or an unreasonable application of, *Strickland.* The victim testified that she and Petitioner engaged in sexual activity a second time on March 12, 2010, around midnight. (Doc. 17-5 at 44.) The victim did not say the offenses occurred on a date other than March 12, 2010. Furthermore, the trial court indicated at the close of the State's case that sufficient evidence supported the charges and a judgment of acquittal would not be appropriate. (Doc. 17-4 at 440-41.) Petitioner, therefore, has not demonstrated that counsel was deficient for failing to move for a judgment of acquittal or that a reasonable probability exists that the outcome of the trial would have been different had counsel done so. Accordingly, ground seven is denied pursuant to § 2254(d).

Any of Petitioner's allegations not specifically addressed herein have been found to be without merit.

## IV. CERTIFICATE OF APPEALABILITY

This Court should grant an application for certificate of appealability only if the Petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing "the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Lamarca v. Sec'y, Dep't of Corr.*, 568 F.3d 929, 934 (11th Cir. 2009). When a district court dismisses a federal habeas petition on procedural grounds without reaching the underlying constitutional claim, a certificate

of appealability should issue only when a petitioner shows "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Id.*; *Lamarca*, 568 F.3d at 934. However, a prisoner need not show that the appeal will succeed. *Miller-El v. Cockrell*, 537 U.S. 322, 337 (2003).

Petitioner has not demonstrated that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. Moreover, Petitioner cannot show that jurists of reason would find this Court's procedural rulings debatable. Petitioner has failed to make a substantial showing of the denial of a constitutional right. Thus, the Court will deny Petitioner a certificate of appealability.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** as follows:

1. The Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**, and this case is **DISMISSED WITH PREJUDICE.**

2. Petitioner is **DENIED** a Certificate of Appealability.

3. The Clerk of the Court is directed to enter judgment accordingly and close this case.

**DONE** and **ORDERED** in Orlando, Florida on December 4, 2018.

G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party