

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-11689-D

SHERWOOD LARAN BOSTIC,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

Appeals from the United States District Court
for the Middle District of Florida

ORDER:

Sherwood Bostic moves for a certificate of appealability in order to appeal the denial of his habeas corpus petition, filed pursuant to 28 U.S.C. § 2254. His motion is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). His motion for leave to proceed *in forma pauperis* on appeal is DENIED AS MOOT.

/s/ Robert J. Luck
UNITED STATES CIRCUIT JUDGE

CASE NUMBER 20-11689-D
IN THE UNITED STATES COURT OF APPEAL
FOR THE ELEVENTH CIRCUIT

SHERWOOD BOSTIC,

Appellant,

v.

SECRETARY , FLA.
DEPT. OF CORR., ET.
AL.,

Appellee.

APPELLEE'S CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 and 26.1-2, the Appellee hereby certifies that the following persons have an interest in the outcome of this case:

Bostic, Sherwood - Appellant

Inch, Hon. Mark S. - Secretary, Florida Department of Corrections

Jordan, Bryan - Senior Assistant Attorney General, State of Florida

Moody, Hon. Ashley B. - Attorney General, State of Florida

Nelson, Hon. Melissa - State Attorney, Florida Fourth Judicial Circuit

Schemer, Hon. Jack M. - Circuit Court Judge, Fourth Judicial Circuit of Florida

Respectfully submitted,

ASHLEY MOODY
ATTORNEY GENERAL

/S/ Bryan Jordan

BRYAN JORDAN

Senior Assistant Attorney General
Florida Bar No. 0194603

Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3300
(850) 922-6674 (Fax)
crimapptlh@myfloridalegal.com

COUNSEL FOR APPELLEE
[AGO# L20-1-05177)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
APPELLEE'S CERTIFICATE OF INTERESTED PERSONS has b

MIME-Version:1.0
From:cmecf_flmd_notification@flmd.uscourts.gov
To:cmecf_flmd_notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:<19513895@flmd.uscourts.gov>
Subject:Activity in Case 3:17-cv-00595-TJC-JBT Bostic v. Jones, et al Order
dismissing case
Content-Type: text/plain
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U.S. District Court
Middle District of Florida

Notice of Electronic Filing
The following transaction was entered on 4/6/2020 11:59 AM EDT and filed
on 4/6/2020

Case Name: Bostic v. Jones, et al

Case Number: 3:17-cv-00595-TJC-JBT
<https://ecf.flmd.uscourts.gov/cgi-bin/DktRpt.pl?337392>

Filer:

Document Number: 38

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of your Web browser to view the document:
https://ecf.flmd.uscourts.gov/doc1/047121406398?caseid=337392&de_seq_num=171&magic_num=MAGIC

Docket Text:
ORDER denying the Petition and dismissing
case with prejudice; directions to the Clerk. Signed by Judge Timothy J.
Corrigan on 4/6/2020. (JND)

3:17-cv-00595-TJC-JBT Notice has been electronically mailed to:
Bryan G. Jordan bryan.jordan@myfloridalegal.com, crimapptlh@myfloridalegal.com,
katrina.croft@myfloridalegal.com

3:17-cv-00595-TJC-JBT Notice has been delivered by other means to:
Sherwood Laran Bostic
#288203
Madison Correction Institute
Main Unit
382 SW MCI Way
Madison, FL 32340

The following document(s) are associated with this transaction:
Document description: Main Document

MIME-Version:1.0
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--Case Participants:
--Non Case Participants:
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Subject:Activity in Case 3:17-cv-00595-TJC-JBT Bostic v. Jones, et al Judgment
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U.S. District Court
Middle District of Florida

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Case Name: Bostic v. Jones, et al

Case Number: 3:17-cv-00595-TJC-JBT
<https://ecf.flmd.uscourts.gov/cgi-bin/DktRpt.pl?337392>

Filer:

Document Number: 39

Copy the URL address from the line below into the location bar
of your Web browser to view the document:
https://ecf.flmd.uscourts.gov/doc1/047121410174?caseid=337392&de_seq_num=173&magic_num=MAGIC

Docket Text:

JUDGMENT That pursuant to the Court's
order entered on April 6, 2020 the Petition is DENIED and this case is DISMISSED
WITH PREJUDICE. Signed by Deputy Clerk on 4/7/2020. (KKH)

3:17-cv-00595-TJC-JBT Notice has been electronically mailed to:
Bryan G. Jordan bryan.jordan@myfloridalegal.com, crimapptlh@myfloridalegal.com,
katrina.croft@myfloridalegal.com

3:17-cv-00595-TJC-JBT Notice has been delivered by other means to:
Sherwood Laran Bostic
#288203
Madison Correction Institute
Main Unit
382 SW MCI Way
Madison, FL 32340

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

SHERWOOD BOSTIC,
Appellant,

v.

Sec. FLORIDA DEPT. OF
CORRECTIONS, et al,
Appellee.

Cir. Case No: 20-11689D
Dist. Case No: 3:17-cv-595-TJC-JBT

Provided to Madison C.I. on

6-19-20 for mailing by 
Initials

**MOTION FOR EXTENSION OF TIME TO FILE A CERTIFIED
FINANCIAL STATEMENT OF ACCOUNT**

Appellant Sherwood Bostic, an imprisoned *pro se* litigant hereby submits this motion for extension of time pursuant to Fed. R. Civ. P. 6(b), and humbly asks this Court for an extension of time to file his required financial statement of account, up to and including August 12th, 2020 on the following good cause;

PROCEDURAL HISTORY

1. On April 6th, 2020, the U.S. District Court issued its order denying his Federal Habeas Corpus 28 U.S.C. 2254.
2. On April 27th, 2020, Appellant timely filed his Notice of Appeal.
3. On May 20th, 2020, Appellant filed a Motion for Permission to Appeal in Forma Pauperis and Affidavit to this Court.

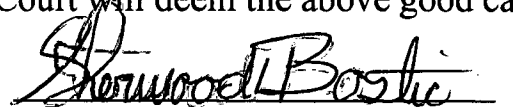
4. On June 2nd, 2020, this Court through its clerk ordered Appellant in 14 days to file a certified Financial Statement, which would terminate on June 16th, 2020.

SUPPORTING FACTS FOR RELIEF

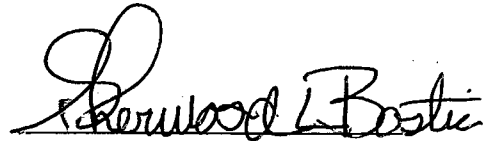
Appellant Sherwood Bostic humbly prays that this Honorable Court will grant him an extension of time to file his Certified Financial Statement upon this Court order of June 2nd, 2020. Mr. Bostic states that his untimely request is due to the COVID-19 Pandemic. This is because Florida Dept. of Corrections (FDOC) in its Law Libraries, are holding the standards of (CDC) to the hilt. Requiring that only (10) inmates out of hundreds are to be allowed in the law library for deadlines.

Furthermore, he has submitted his request to (FDOC) staff for the aforementioned required Bank Statement, back in May and is still waiting to receive such. Thus, he is not in control of (FDOC) lack of promptness.

In closing, Mr. Bostic humbly prays that the Court will grant him up to August 12th, 2020 to file his required Bank Statement, based upon the (FDOC) lack of promptness to give him his requested Bank Statement for this Court. Also, the fact that he has had a hard time to get to the law library to prepare and file this motion. As such, he humbly prays that this Court will deem the above good cause.


Sherwood L. Bostic DC# 288203

I HEREBY CERTIFY, under the penalty of perjury, that I placed a true and correct copy of the foregoing document, in the hands of mailroom personnel at Madison Correctional Institution, for mailing to the Appellee on this 19 day of June, 2020.

A handwritten signature in black ink, appearing to read "Sherwood Bostic", written over a horizontal line.

Sherwood Bostic

DC# 288203

Madison Correctional Inst.

382 S.W. MCI Way

Madison, FL 32340

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SHERWOOD LARAN BOSTIC,

Petitioner,

v.

Case No. 3:17-cv-595-J-32JBT

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

Respondents.

ORDER

1. Petitioner's Motions for Summary Judgment (Docs. 16, 18) are **DENIED**. In determining the merits of Petitioner's claims, the Court will consider the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Petition I) (Doc. 1), Respondents' Response to Petition for Writ of Habeas Corpus (Respondents' Response) (Doc. 11), and Petitioner's Reply to Florida Department of Corrections' Untimely Response to Petition for Writ of Habeas Corpus (Doc. 14). See Rule 5, Rules Governing Section 2254 Cases in the United States District Courts.

2. Petitioner's "Notice for Writ" (Notice) (Doc. 17) is **DENIED**. In the Notice, Petitioner objects to the Magistrate Judge's order accepting the Respondents' Response as timely. See Doc. 12. Therefore, the Court construes the Notice as an objection filed pursuant to Rule 72 of the Federal Rules of Civil Procedure (Rule 72). Rule 72 provides

A party may serve and file objections to [a magistrate judge's] order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely

objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

Fed. R. Civ. P. 72(a); see also 28 U.S.C. § 636(b)(1).

Here, Petitioner's objection is untimely. The Magistrate Judge issued the order accepting the Respondents' Response as timely on December 1, 2017. See Doc. 12. Petitioner filed his objection on March 19, 2018,¹ well past the fourteen-day deadline. See Doc. 17. Nevertheless, even assuming Petitioner's objection is timely, he has not shown that the Magistrate Judge's ruling is clearly erroneous or contrary to law.

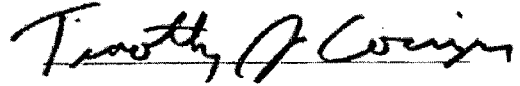
3. Petitioner's Petition for Writ of Mandamus Seeking to Compel (Doc. 19), construed as a motion to rule on the Petition I, is **GRANTED** only to the extent that Petitioner's claims in the Petition I are under consideration, and the Court will enter a ruling as the Court's calendar permits.

4. Petitioner's Notice to the Court (Doc. 20) is **STRICKEN**. On April 24, 2018, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Petition II) (Doc. 20). The Petition II is identical to the Petition I, except that Petitioner has added the date of "4-24-2018" to the last page of the Petition II, and the Petition II does not include an attached memorandum of law. Petitioner does not provide a motion or any other document providing an explanation for the filing of the Petition II. Upon consideration, the

¹ The Court gives Petitioner the benefit of the "prison mailbox rule." Under the "prison mailbox rule," a prisoner's pro se court filings are deemed filed on the date they are delivered to prison authorities for mailing. See Houston v. Lack, 487 U.S. 266, 276 (1988).

Court does not consider the Petition II as an amended petition or a request to amend the Petition I and finds that the Petition II is an unauthorized filing with the Court.

DONE AND ORDERED in Jacksonville, Florida the 4th day of June, 2018.

A handwritten signature in black ink, appearing to read "Timothy J. Corrigan".

TIMOTHY J. CORRIGAN
United States District Judge

sflc

c: Sherwood Laran Bostic, #288203
Counsel of Record

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FOR THE ELEVENTH CIRCUIT

No. 20-11689-D

SHERWOOD LARAN BOSTIC,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

Appeals from the United States District Court
for the Middle District of Florida

Before: GRANT and LUCK, Circuit Judges.

BY THE COURT:

Sherwood Bostic has filed a motion for reconsideration of this Court's July 30, 2020, order denying a certificate of appealability and leave to proceed *in forma pauperis* in his appeal from the denial of his underlying 28 U.S.C. § 2255 motion to vacate. Upon review, Bostic's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.