

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2023-0388

COREY ROGERS,

Appellant,

v.

RICKY D. DIXON,

Appellee.

On appeal from the Circuit Court for Escambia County.
Jan Shackelford, Judge.

February 14, 2024

PER CURIAM.

Corey Rogers appeals the circuit court's order dismissing his petition for writ of habeas corpus. Finding no error by the circuit court, we affirm. *See Baker v. State*, 878 So. 2d 1236, 1246 (Fla. 2004) (explaining that a trial court may dismiss, rather than transfer, a habeas petition when the petitioner seeks relief that "(1) would be untimely if considered as a motion for postconviction relief under rule 3.850, (2) raise claims that could have been raised at trial or, if properly preserved, on direct appeal of the judgment and sentence, or (3) would be considered a second or successive motion under rule 3.850 that either fails to allege new or different grounds for relief that were known or should have been known at the time the first motion was filed"); *Zuluaga v. Dep't of Corrs.*, 32 So. 3d 674 (Fla. 1st DCA 2010).

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive,
Tallahassee, Florida 32399-0950
Telephone No. (850) 488-6151

March 28, 2024

Corey Rogers,
Appellant(s)

Case 1D2023-0388
L.T. No.: 2022 CA 001373

v.

Ricky D. Dixon,
Appellee(s).

BY ORDER OF THE COURT:

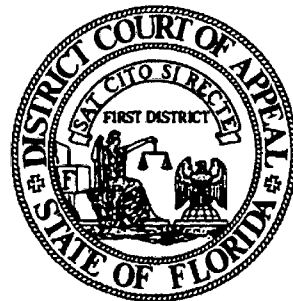
The Court denies the motion for rehearing en banc docketed March 21, 2024.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:
General Counsel Department of Corrections
Hon. Ashley Moody
Corey Rogers
Michael L. Schaub

KS

~~1D2023-0388~~ March 28, 2024
Kristina Samuels, Clerk
1D2023-0388 March 28, 2024



(APPENDIX Q.)

Supreme Court of Florida

WEDNESDAY, AUGUST 28, 2024

Corey Rogers,
Petitioner(s)

v.

Secretary, Department of
Corrections,
Respondent(s)

SC2024-0665

Lower Tribunal No(s).:

1D2023-0388

172022CA001373XXXXXX

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

CANADY, LABARGA, GROSSHANS, FRANCIS, and SASSO, JJ.,
concur.

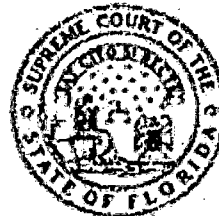
A True Copy
Test:

SC2024-0665 8/28/2024

John A. Tomasino

Clerk, Supreme Court

SC2024-0665 8/28/2024



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Clerk's Office.**