

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 25-11091-G

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SONNY AUSTIN RAMDEO,

Petitioner - Appellant,

versus

WARDEN, FCC COLEMAN,

Respondent,

D. TYLER,  
BOP Residential Reentry Manager - Orlando,

Respondent - Appellee.

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

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ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Sonny Austin Ramdeo has failed to pay the filing and docketing fees to the district court within the time fixed by the rules; Motion to supplement the record is MOOT [10540958-2].

Effective January 07, 2026.

DAVID J. SMITH  
Clerk of Court of the United States Court  
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

SONNY AUSTIN RAMDEO,

Petitioner,

v.

Case No.: 5:25-cv-111-SPC-PRL

D. TYLER,

Respondent.

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**ORDER**

Sonny Austin Ramdeo pled guilty to charges of wire fraud and money laundering in connection with a \$20 million scheme to defraud his employer. In 2015, he was sentenced to 20 years' imprisonment, followed by three years of supervised release. *See United States v. Ramdeo*, 682 F. App'x 751, 752 (11th Cir. 2017). In May 2022, he was transferred to home confinement, where he has remained; his projected release date was December 26, 2028. (Doc. 15-2 at 9, 65). On December 12, 2024, President Joseph Biden commuted Ramdeo's sentence "to expire on April 11, 2025." (Doc. 15-3 at 23–24). Not content with this receipt of executive grace, Ramdeo now petitions the Court under 28 U.S.C. § 2241—on an emergency basis—to rewrite the grant of executive clemency to allow his immediate release from custody.

(Doc. 10). Unfortunately for Ramdeo, his self-serving reading of the commutation order that ignores its plain language does not carry the day, and the Court finds his release date is properly calculated. For the reasons stated below, his second amended petition is denied, and this action is dismissed with prejudice.

### **I. Background**

Ramdeo initially filed his petition in the United States District Court for the District of Columbia, asserting that the Bureau of Prisons (BOP) had improperly calculated his sentence following his sentence commutation. (Doc. 1). Because Ramdeo is currently incarcerated on home confinement in Ocala, Florida, and under the custody of the BOP's Residential Reentry Management (RRM) field office in Wildwood, Florida, this action was transferred to this Court on February 4, 2025. (Doc. 5). Ramdeo filed a second amended petition on February 14, 2025, asserting the BOP "has unlawfully extended his detention beyond his proper release date by miscalculating his sentence[.]" (Doc. 10). The Court ordered an expedited response. (Doc. 11). Respondent D. Tyler, the RRM field office manager, filed a response on February 25, 2025, arguing that the petition should be dismissed for failure to exhaust administrative remedies, or, alternatively, it should be denied on the merits because Ramdeo's "arguments are nonsensical

and entirely inconsistent with the plain language of the [commutation] order.” (Doc. 15 at 1–2). Ramdeo replied (Doc. 16) and filed a notice of supplemental authority (Doc. 17).

## II. Legal Standard

Although exhaustion of administrative remedies is not a jurisdictional requirement in a section 2241 proceeding, “that does not mean that courts may disregard a failure to exhaust and grant relief on the merits if the respondent properly asserts the defense.” *Santiago-Lugo v. Warden*, 785 F.3d 467, 475 (11th Cir. 2015). A court, however, “may skip over the exhaustion issue if it is easier to deny . . . the petition on the merits without reaching the exhaustion question.” *Id.*

After a federal court imposes a sentence in a criminal case, the U.S. Attorney General, acting through the BOP, administers the federal defendant’s sentence and initially has the exclusive authority to determine when the federal sentence commences and compute sentence credit awards after sentencing. 18 U.S.C. §§ 3585(a), 3621(a)–(b); *United States v. Wilson*, 503 U.S. 329, 335 (1992); *Rodriguez v. Lamar*, 60 F.3d 745, 747 (11th Cir. 1995).

Notwithstanding the sentence imposed by a federal court, the Constitution grants the President the “Power to grant Reprieves and Pardons

for Offenses against the United States.” U.S. Const. art. II § 2, cl. 1. The President also has the authority to commute a sentence to a lesser punishment. *See Schick v. Reed*, 419 U.S. 256, 265–66 (1974). “If a petition for commutation of sentence is granted, Bureau of Prisons staff shall recalculate the inmate’s sentence in accordance with the terms of the commutation order.” 28 C.F.R. § 571.41(c)(1). The President’s pardon authority is broad, and “Congress and the Judiciary have no power to interfere with its exercise.” *Andrews v. Warden*, 958 F.3d 1072, 1076 (11th Cir. 2020) (citing *Schick*, 419 U.S. at 264, 266–67). The Supreme Court has ruled that deference should be accorded to an executive agency’s interpretation of an executive order it is charged with administering. *See Udall v. Tallman*, 380 U.S. 1, 4, 16–18, (1965). Because a pardon is an executive order, the Supreme Court explained that if an agency’s “interpretation is not unreasonable” and “the language of the order[ ] bears [its] construction,” “courts must . . . respect it.” *Id.* at 4, 18.

### III. Discussion

Although Respondent argues that the petition should be dismissed for failure to exhaust administrative remedies, the Court has determined that jumping to the merits of the petition without reaching the exhaustion requirements is appropriate here. *See Santiago-Lugo*, 785 F.3d at 475

On December 12, 2024, President Biden commuted Ramdeo's sentence to expire on April 11, 2025. (Doc. 15-3). Specifically, the commutation order stated:

**I HEREBY FURTHER COMMUTE** the total sentence of confinement that each of the following named persons is now serving, *to expire on April 11, 2025*, leaving intact and in effect for each named person the term of supervised release imposed by the court with all of its conditions and all other components of each respective sentence. Nothing in this grant of clemency should be presumed to interfere with, or supersede, the Bureau of Prisons' authority to oversee each person's confinement, pursuant to the terms set forth in this grant of clemency. Each person shall remain subject to all ordinary disciplinary rules.

(*Id.* at 23–24) (emphasis added). In the same order, President Biden commuted the sentences of a group of individuals with the same language, except stating the term of imprisonment would expire on December 22, 2024.

(*Id.* at 2). In a statement accompanying the commutations, President Biden added:

I am also commuting the sentences of nearly 1,500 people who are serving long prison sentences – many of whom would receive lower sentences if charged under today's laws, policies, and practices. These commutation recipients, who were placed on home confinement during the COVID pandemic, have successfully reintegrated into their families and communities and have shown that they deserve a second chance.

*See Briefing Room, Statement from President Joe Biden on Providing Clemency for Nearly 1,500 Individuals on Home Confinement and Pardons for 39*

*Individuals Convicted of Non-Violent Crimes*, Biden White House (Dec. 12, 2024), <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2024/12/12/statement-from-president-joe-biden-on-providing-clemency-for-nearly-1500-individuals-on-home-confinement-and-pardons-for-39-individuals-convicted-of-non-violent-crimes/>.

Following the grant of clemency, the BOP recalculated Ramdeo's sentence, updating his release date to reflect April 11, 2025, consistent with President Biden's commutation order. (Doc. 15-2 at 4–5). Ramdeo, however, contends that the commutation reduced his original 240-month term to 117 months and four days, "expiring no later than April 11, 2025." (Doc. 10 at 2–3). Ramdeo asserts that the BOP has used "a reverse-engineering method" to calculate his sentence, as the commutation order provided for a "maximum expiration date" of April 11, 2025. (*Id.* at 9). In Ramdeo's reading of the commutation order, he is entitled to additional reductions of his sentence. First, he asserts he is entitled to 940 days of jail credit, which, if applied, would result in a release date of September 11, 2022. (*Id.* at 3, 7). Additionally, he argues he is entitled to 509 days of earned Good Time Credit, which would further reduce his sentence to a release date of April 24, 2021. (*Id.* at 3, 7–8). And he further contends he is eligible for 365 days of Earned Time Credits under the First Step Act, thereby further reducing his sentence to a release

date of April 24, 2020. (*Id.* at 3, 8); *see also* 18 U.S.C. § 3632(d)(4)(C). That is, notwithstanding that President Biden, on December 12, 2024, reduced his sentence to expire on April 11, 2025, Ramdeo maintains his release date should be calculated to have been four and a half years before the clemency was even granted. (Doc. 10 at 8–9).

Ramdeo’s contentions fall flat. First, the plain language of the commutation order provides that Ramdeo’s sentence is “to expire on April 11, 2025”—no sooner and no later. (Doc. 15-3 at 23). In this context, the plain meaning of “expire,” relating to an official document, means “to be no longer legally effective; to become null at a time fixed beforehand.” *Expire*, Black’s Law Dictionary (12th ed. 2024). The commutation order does not provide for a maximum expiration date or reduction to a term of months but instead provides that Ramdeo’s sentence will end at a fixed time, April 11, 2025. Thus, Ramdeo’s contention that the commutation order requires the BOP to undergo a full recalculation of Ramdeo’s sentence, with the application of other credits so that it would end sooner, fails. *See, e.g., Schanck v. United States*, No. 2:18-cv-0175, 2018 WL 5906070, at \*3 (E.D. Cal. Nov. 9, 2018) (finding a similar argument to be “without merit” when a commutation order providing for petitioner’s sentence to expire on a date certain was clear and did not require the BOP to recalculate the date to include good time credit).

Additionally, reviewing the commutation order as a whole, the Court finds that the BOP's calculation of the sentence is reasonable and must be afforded deference. *See Andrews*, 958 F.3d at 1078. Ramdeo asserts that the December 12, 2024 commutation should have resulted in, at a minimum, his immediate release. (Doc. 10 at 13). However, in the same commutation order, President Biden also commuted the sentences of another group of inmates serving their sentences on home confinement to expire on December 22, 2024. (*Id.* at 2). Thus, the commutation order itself undermines Ramdeo's argument, as President Biden did not include Ramdeo in the group of inmates he intended to be released from custody sooner. Nor is this a case in which the commuted sentence was reduced to a term of months or days, which might permit a defendant to earn additional credits based on that calculation. *Cf. Andrews*, 958 F.3d at 1081 ("The President, like Congress, is presumed to know the law and to speak in terminology that subordinate officials would understand."). The Court therefore will not interfere with the BOP's reasonable interpretation of this executive action.

#### **IV. Conclusion**

It is Ramdeo, not the BOP, who has attempted to reverse engineer the plain language of the commutation order. The commutation order clearly states that Ramdeo's sentence is due to expire on April 11, 2025, and that is

exactly how the BOP calculated his sentence. The commutation order does not reduce his sentence to a period of months and days or direct the BOP to apply other credits, as Ramdeo suggests. And because the executive branch has reasonably interpreted the commutation order, the Court declines to intervene. Ramdeo should not look a gift horse in the mouth. His sentence will expire on April 11, 2025. The petition is denied.

Accordingly, it is now

**ORDERED:**

1. Petitioner Sonny Austin Ramdeo's Second Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 12) is **DENIED**, and this action is **DISMISSED with prejudice**.
2. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close this case.

**DONE AND ORDERED** in Fort Myers, Florida on March 4, 2025.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

SA: OCAP-2

Copies: All Parties of Record

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

SONNY AUSTIN RAMDEO,

Petitioner,

v.

Case No.: 5:25-cv-111-SPC-PRL

D. TYLER,

Respondent.

\_\_\_\_\_ /

**OPINION AND ORDER**

This habeas action required the Court to answer a straightforward question: Did the presidential commutation order commuting Petitioner Sonny Ramdeo's sentence "to expire on April 11, 2025" mean that he was to be released on that date or, rather, provide a "maximum expiration date" of April 11, 2025? The Court concluded that the Bureau of Prisons ("BOP") properly interpreted the commutation order to mean the sentence expires on April 11, 2025. (Doc. 18). Dissatisfied with this result, Ramdeo has unnecessarily multiplied these proceedings by taking an everything-but-the-kitchen-sink approach to have the Court reconsider its decision. However, like his efforts to read into the commutation order words that were not, his arguments fall flat. Multiple motions filed by Ramdeo are pending before the court. (Docs. 22, 28, 29, 30, 32, 36, 38). The Court has also considered Ramdeo's notice of

supplemental authority. (Doc. 27). In a nutshell, Ramdeo's motions are all denied. Although Ramdeo has raised sundry arguments in his motions and papers, most are meritless and few warrant discussion. This Order addresses certain of Ramdeo's arguments, and any arguments not discussed herein are denied as meritless. If Ramdeo is dissatisfied with the Court's rulings, he may raise his claims with the United States Court of Appeals for the Eleventh Circuit by way of filing an appeal.

#### **I. Motion for Reconsideration (Doc. 22)**

In this motion, Ramdeo moves for reconsideration "on the grounds of (1) clear legal error, (2) newly discovered evidence, (3) procedural irregularities, and (4) misconduct by Respondent." (Doc. 22 at 1). Ramdeo complains that the Court ruled on his habeas petition without considering the motion to intervene filed that same day by nonparty Jaime Aird. He further alleges that the Court failed to follow the Report and Recommendation process by referring the petition to a United States Magistrate Judge. He also raises as "newly discovered evidence" the fact that other clemency recipients were released on the Friday before their expiration date because their release date fell on a weekend. He further alleges counsel for Respondent violated her ethical duties by failing to mention said evidence.

A court's reconsideration of a prior order is an "extraordinary remedy" that should be used "sparingly." *Taylor Woodrow Constr. Corp. v.*

*Sarasota/Manatee Airport Auth.*, 814 F. Supp. 1072, 1072–73 (M.D. Fla. 1993); accord *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984). Such a motion may arise under Rule 59(e) or Rule 60(b). See Fed. R. Civ. P. 59(e), 60(b). Under either Rule, a motion to reconsider cannot be used to “relitigate old matters, raise argument or present evidence that could have been raised [earlier].” *Michael Linet, Inc. v. Vill. of Wellington, Fla.*, 408 F.3d 757, 763 (11th Cir. 2005); accord *Imperato v. Hartford Ins. Co.*, 803 F. App’x 229, 231 (11th Cir. 2020) (per curiam). To prevail on a motion to reconsider, the movant must identify “manifest errors of law or fact” or extraordinary circumstances. *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (quotation omitted).

#### **A. Report and Recommendation Process**

Despite moving for expedited consideration of his petition, and notwithstanding the fact that the Court swiftly ruled on the petition less than a week after it was ripe, Ramdeo now complains that the matter was not considered by a magistrate judge who would then enter a report and recommendation so that he could potentially raise objections if he was dissatisfied with the recommendation. Given the procedural posture of this case and Ramdeo’s insistence that time was of the essence in ruling on his petition, this contention is absurd. Pursuant to 28 U.S.C. § 636(b)(1), “a judge may designate a magistrate judge to hear and determine any pretrial matter

pending before the court” or “*may* also designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition[.]” (Emphasis added). Here, the Court did not refer this matter to Magistrate Judge Lammens for a report and recommendation, as that is not the usual practice in this District for habeas petitions. In any event, if the Court had done so, it would have prolonged the time to resolve Ramdeo’s claims because the report and recommendation process affords the parties 14 days to object to such recommendation. Given the discretionary nature of the statute, Ramdeo was not entitled to have the matter referred to a magistrate judge. Ramdeo has failed to show that the Court committed manifest error in this regard.

**B. Motion Pending at Time Order Entered**

By separate Order, the Court will address Intervenor Aird’s motion to intervene. However, although Ramdeo complains that the Court ruled on the pending petition without addressing the recently filed motion by another prisoner, he fails to identify how the Court’s ruling on his petition without ruling on the pending motion of another inmate prejudiced him in any way.

**C. Newly Discovered Evidence**

Ramdeo also points to other inmates who had their sentence commuted to expire on December 22, 2024, but were instead released on Friday, December 20, 2024, because their release date fell on a Sunday, as newly

discovered evidence that supports his reading of the commutation order. He contends that the BOP's prior actions contradict the position Respondent raised here and warrants reconsideration under both the newly discovered evidence and the fraud, misrepresentation, or misconduct prongs of Rule 60(b).

A motion for relief because of "newly discovered evidence" can only succeed when the party shows that: (1) the evidence is newly discovered since the district court's decision, (2) he exercised due diligence to discover the evidence, (3) the evidence is not cumulative or impeaching, (4) the evidence is material, and (5) the evidence would produce a new result. *Abimbola v. Broward Cnty.*, 266 F. App'x 908, 911 (11th Cir. 2008) (citing *Willard v. Fairfield Southern Co., Inc.*, 472 F.3d 817, 824 (11th Cir. 2006)). "A Rule 60(b)(2) motion is an extraordinary motion and the requirements of the rule must be strictly met." *Motes v. Couch*, 766 F. App'x 867, 869 (11th Cir. 2019) (citing *Waddell v. Hemerson*, 329 F.3d 1300, 1309 (11th Cir. 2003)). Additionally, "[t]o get relief under Rule 60(b)(3), the moving party must prove by clear and convincing evidence that the adverse party obtained the verdict through fraud, misrepresentations, or other misconduct." *Jenkins v. Anton*, 922 F.3d 1257, 1270 (11th Cir. 2019) (internal quotation marks and citations omitted). "The moving party must also demonstrate that the conduct prevented [him] from fully presenting his case." *Id.*

Ramdeo's pointing to other inmates' release dates is not newly discovered evidence because Ramdeo could have discovered this information prior to filing his reply. Indeed, the inmates he references were also listed on his commutation order. (See Doc. 15-3). Ramdeo provides nothing to support that he exercised any diligence to discover the evidence.

In any event, the regulatory provision that Ramdeo cites is permissive, not mandatory, for the Bureau of Prisons. It provides:

The Bureau of Prisons *may* release an inmate whose release date falls on a Saturday, Sunday, or legal holiday, on the last preceding weekday unless it is necessary to detain the inmate for another jurisdiction seeking custody under a detainer, or for any other reason which might indicate that the inmate should not be released until the inmate's scheduled release date.

28 C.F.R. § 571.30 (emphasis added). Importantly, the regulation does not change an inmate's release date. Instead, it allows the BOP to release an inmate on the last preceding weekday before the inmate's official release date when the inmate's release date falls on a weekend or holiday.

As explained in the Order dismissing the petition, the BOP's reading of the commutation order is reasonable, and the Court will not interfere with the BOP's executive function. (Doc. 18 at 7, 8). *See also Andrews v. Warden*, 958 F.3d 1072, 1077 (11th Cir. 2020) (“[A]bsent a violation of the Constitution, the commutation order is insulated from congressional and judicial interference.”). And this purported “evidence” would not produce a different result to the

Court's decision as it is within the BOP's discretion to release an inmate on a Friday when the release date otherwise falls on a weekend or holiday.

Finally, Ramdeo cannot show how this was fraud or a misrepresentation because his release date, April 11, 2025, falls on a Friday, and § 571.30 is thus inapplicable to the Court's analysis as to his claims. Nevertheless, Ramdeo has not proven fraud by clear and convincing evidence.

## **II. Motions to Expand the Record (Docs. 28, 29)**

In essence, Ramdeo seeks to expand the record to include presidential commutations that predated the Court's Order and cases entered after the Court's order. Expansion of the record is inappropriate at this juncture. As the petition has been denied and reconsideration is unwarranted, it is unnecessary to expand the record. Thus, the motions are denied as moot.

## **III. Motion for Sanctions (Doc. 30)**

Ramdeo seeks sanctions against Respondent due to his disagreement with certain arguments made in and alleged omissions from its response.

Rule 11 provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record[.]” Fed. R. Civ. P. 11(a). And by presenting such a document to the Court, “whether by signing, filing, submitting, or later advocating it,” an attorney certifies that to the best of his or her knowledge it is not presented for an improper purpose, its legal contentions are warranted, and its factual contentions or denials of factual

contentions have support. Fed. R. Civ. P. 11(b). If a document violates one of these certifications, then the Court may sanction the attorney, law firm, or party. Fed. R. Civ. P. 11(c). But “Rule 11 is an extraordinary remedy, one to be exercised with extreme caution.” *Mason Classical Acad., Inc v. Arnn*, No. 2:22-cv-513-JLB-NPM, 2023 WL 6196855, at \*5 (M.D. Fla. Sept. 22, 2023) (citation omitted).

All the arguments made by Respondent that Ramdeo takes issue with were neither frivolous nor presented for an improper purpose. Nor were the purported omissions by Respondent material to the Court’s analysis. Ramdeo’s request for Rule 11 sanctions has been considered and is denied.

**IV. Opposition to Substitution of Counsel and Motion to Require Counsel to Respond to Pending Motions (Doc. 32)**

The crux of Ramdeo’s argument in his objection is that former Assistant United States Attorney (“AUSA”) Roberta Bodnar improperly withdrew as counsel from this action. On March 24, 2025, AUSA Jillian Jewell substituted as counsel.<sup>1</sup> (Doc. 31). But Ramdeo misreads the Court’s Local Rules.

The Local Rules define “lawyer” as “a member of the Middle District bar or a lawyer specially admitted in the Middle District.” M.D. Fla. R. 1.01(d)(8). The rule addressing “Practice in the Middle District” provides:

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<sup>1</sup> Respondent states that “[f]ormer [AUSA] Roberta Bodnar has retired from the Department of Justice after many honorable years of service, and Ramdeo’s case has been reassigned to [AUSA] Jillian Jewell.” (Doc. 34 at 1).

**REQUIREMENT.** Membership or special admission in the Middle District bar is necessary to practice in the Middle District. But neither membership nor special admission is required *for a lawyer employed by the United States* or a public entity established by federal law to practice within the course and scope of the lawyer's employment.

M.D. Fla. R. 2.01(a) (emphasis added). In terms of withdrawal from an action, the Rules provide, "If a lawyer appears, the lawyer cannot without leave of court abandon, or withdraw from, the action." M.D. Fla. R. 2.02(c) (emphasis added). By the very terms of her title, AUSA Bodnar was a lawyer employed by the United States. Thus, as she is neither a member nor specially admitted, she does not meet the definition of lawyer who is required to obtain leave of court to withdraw from an action. Because AUSA Bodnar is no longer employed the United States, AUSA Jewell properly substituted in. Ramdeo's objection to the substitution of counsel is overruled.

Additionally, to the extent that Ramdeo requests the Court to order Respondent to respond to pending motions, the motion is denied as moot because Respondent was afforded an opportunity to do so, and no further response is necessary for the Court's consideration of the motions.

**V. Motion to Supplement the Record in Support of Reply (Doc. 36)**

Ramdeo's motion to supplement the record as relates to his subsequently stricken reply is denied as moot because the reply was stricken as violating Local Rule 3.01(d). (Doc. 37).

## VI. Motion for Leave to File Reply (Doc. 38)

Because his motion to require counsel to respond is meritless, Ramdeo's motion for leave to file a reply is denied as moot. However, to the extent Ramdeo objects to Judge Lammens's order (Doc. 37) striking his reply, the Court takes this opportunity to point out another flawed arguments contained in the motion.

Ramdeo contends that Rule 5 of the Rules Governing Section 2254 Cases permits him to reply without leave of Court.<sup>2</sup> He is wrong, wrong, wrong. Rule 5 provides: "The petitioner may file a reply to the respondent's answer or *other pleading*. The judge must set the time to file unless the time is already set by local rule." (Emphasis added). However, the Federal Rules of Civil Procedure differentiates "pleadings" from "motions and other papers." Fed. R. Civ. P. 7. The only pleadings allowed are: "(1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if the court orders one, a reply to an answer." Fed. R. Civ. P. 7(a). Additionally, "[a] request for a court order must be made by motion." Fed R. Civ. P. 7(b)(1). Local Rule 3.01(d) is consistent with the Rules Governing Section 2254 Proceedings. Thus, a motion is not a pleading,

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<sup>2</sup> Under Rule 1(b) of the Rules Governing Section 2254 Cases, the Court has discretion to apply the Rules to habeas corpus petitions under § 2241.

and Judge Lammens committed no error in striking Ramdeo's unauthorized reply to his own motion. Ramdeo's objection is therefore overruled and the motion to file a reply is otherwise denied as moot.

### VII. A Final Caution to Ramdeo

Ramdeo is hereby warned that the Court will not consider any more duplicative, abusive, or frivolous motions. "Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986) (en banc). "[D]istrict courts have considerable discretion to impose even severe restrictions on [abusive litigants], though the conditions must not have the effect of completely foreclosing access to the courts." *See Shivers v. United States*, 427 F. App'x 697, 700 (11th Cir. 2011) (citation omitted).

If Ramdeo continues to file duplicative, abusive, or frivolous motions that include the same requests for relief and improperly expend the Court's judicial resources, the Court will consider imposing sanctions on Ramdeo. Sanctions may range from striking Ramdeo's filing to imposing a monetary penalty. Nor will the Court consider submissions seeking similar relief filed under different a title or statute. *See United States v. Green*, No. 3:96-cr-74, 2012 WL 6761572, at \*4 (N.D. Fla. Dec. 19, 2012), *report and recommendation adopted*,

2013 WL 45293 (N.D. Fla. Jan. 3, 2013) (discussing the litany of possible sanctions).

### VIII. Conclusion

Ramdeo has needlessly multiplied these proceedings and, as stated herein, all of his post-judgment motions are denied as meritless and his objections to Judge Lammens's order is overruled. To the extent that Ramdeo takes issue with this Order or the Court's prior rulings, the appropriate forum for review is with the Eleventh Circuit. Ramdeo's further multiplication of the proceedings in this Court will result in sanctions. Ramdeo was fortunate to receive a commutation of his sentence and will be released on April 11, 2025 – he should not look a gift horse in the mouth.

Accordingly, it is now

#### **ORDERED:**

1. Ramdeo's Motion for Reconsideration Pursuant to Federal Rules of Civil Procedure 59(e) and 60(b) (Doc. 22) is **DENIED**.
2. Ramdeo's Motion to Expand the Record Under Rule 7 of the Rules Governing Section 2254 Proceedings (Doc. 28) and Second Motion to Expand the Record Under Rule 7 of the Rules Governing Section 2254 Cases (Doc. 29) are **DENIED as moot**.
3. Ramdeo's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 (Doc. 30) is **DENIED**.

4. Ramdeo's Opposition to Respondent's Notice of Substitution of Counsel and Motion to Require Current Counsel to Respond to Pending Rule 11, Rule 59(e), and Rule 60(b) Motions (Doc. 32) is **DENIED as moot** and his objection is **OVERRULED**.
5. Ramdeo's Motion to Supplement the Record in Support of Reply to Respondent's Response to Notice of Substitution of Counsel (Doc. 36) is **DENIED as moot**.
6. Ramdeo's Motion for Leave to File a Reply in Excess of Page Limits *Nunc Pro Tunc* and Motion for Reconsideration of Order Striking Reply (Doc. 38) is **DENIED as moot** and his objection is **OVERRULED**.

**DONE and ORDERED** in Fort Myers, Florida on April 3, 2025.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

SA: OCAP-2  
Copies: All Parties of Record

**Additional material  
from this filing is  
available in the  
Clerk's Office.**