

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

TAQUAN RIOGENT GULLETT,

Petitioner,

v.

Case No: 5:17-cv-527-Oc-10PRL

WARDEN, FCC COLEMAN - USP I

Respondent.

ORDER DISMISSING CASE

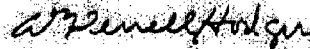
Petitioner, proceeding *pro se*, initiated this case by filing a Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). This case is proceeding on his Second Amended Petition. (Doc. 11). Petitioner appears to be raising challenges to his arrest and conviction.

Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that “[i]f the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action.” See also Rule 12, Rules Governing Section 2255 proceedings. Recently, sitting en banc the Eleventh Circuit overruled prior precedent and held that 28 U.S.C. § 2241 is not available to challenge the validity of a sentence except on very narrow grounds not present in this case. McCarthan v. Director of Goodwill Industries-Suncoast, Inc., 851 F.3d 1076, 1079 (11th Cir. 2017) (en banc) (quoting 28 U.S.C. § 2255(e)); Bernard v. FCC Coleman Warden, No. 15-13344 (11th Cir. April 24, 2017) (citing McCarthan, 851 F.3d at 1092-93).

Thus, pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts (directing *sua sponte* dismissal if the petition and records show that the moving party is not entitled to relief), this case is **DISMISSED**. See also 28 U.S.C. § 2255(b). The **Clerk** is directed to enter judgment dismissing this case without prejudice, terminate any pending motions, and close the file.

IT IS SO ORDERED.

DONE AND ORDERED at Ocala, Florida, this 7th day of March, 2018.



UNITED STATES DISTRICT JUDGE

Copies to: Pro Se Parties; Counsel of Record

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

TAQUAN RIOGENT GULLETT,

Petitioner,

v.

Case No: 5:17-cv-527-Oc-10PRL

WARDEN, FCC COLEMAN - USP I

Respondent.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Pursuant to the court's order entered on March 7, 2018, this case is dismissed without prejudice.

ELIZABETH M. WARREN, CLERK

s/H. Quick, Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10360-D

TAQUAN GULLETT,

Petitioner-Appellant,

versus

FCC COLEMAN - USP I WARDEN,

Respondent-Appellee.

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

Before: WILSON, WILLIAM PRYOR and JORDAN, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Taquan Gullett appeals from a magistrate judge's order granting him leave to file an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 but directing him to do so on the official form for such petitions. Because the magistrate judge's order did not dismiss Mr. Gullett's case and contemplated further substantive proceedings, it is not an appealable final order that we have jurisdiction to review. *See* 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000); *Broussard v. Lippman*, 643 F.2d 1131, 1133 (5th Cir. Unit A Apr. 1981). In addition, because Mr. Gullett will be able to obtain effective review upon the entry of final judgment, the order is not immediately appealable under the collateral order doctrine. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252-53 (11th Cir. 2014). We also lack jurisdiction because

the magistrate judge's order was not rendered final by the district court. *See Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982); *United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009).

All outstanding motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-11242-D

TAQUAN GULLETT,

Petitioner - Appellant,

versus

FCC COLEMAN - USP WARDEN,

Respondent - Appellee.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Taquan Gullett failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules, effective April 17, 2018.

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

by: Scott O'Neal, D, Deputy Clerk

FOR THE COURT - BY DIRECTION

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-11875-E

TAQUAN GULLETT,

Petitioner - Appellant,

versus

FCC COLEMAN - USP I WARDEN,

Respondent - Appellee.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Taquan Gullett failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in this court within the time fixed by the rules, effective June 21, 2018.

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

by: Gloria M. Powell, E, Deputy Clerk

FOR THE COURT - .BY DIRECTION

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TAQUAN GULLETT, as Next
Friend of Syteria Hephzibah,

Petitioner,

v.

4:17cv532-WS/CJK

CRAIG COIL, et al.,

Respondents.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 4) docketed December 8, 2017. The magistrate judge recommends that the petitioner's petition for writ of habeas corpus be dismissed for lack of jurisdiction. The petitioner has filed objections (doc. 8) to the report and recommendation.

The court having reviewed the magistrate judge's report and recommendation in light of the petitioner's objections, it is ORDERED:

1. The magistrate judge's report and recommendation is ADOPTED and incorporated by reference into this order of the court.

2. The petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (doc. 1) is DISMISSED for lack of jurisdiction.

3. The clerk shall enter judgment stating: "Taquan Gullett's petition for writ of habeas corpus is dismissed for lack of jurisdiction."

DONE AND ORDERED this 2nd day of January, 2018.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TAQUAN GULLETT,

VS

CASE NO. 4:17cv532-WS/CJK

CRAIG COIL, et al.,

JUDGMENT

Taquan Gullett's petition for writ of habeas corpus is dismissed for lack of jurisdiction.

JESSICA J. LYUBLANOVITS
CLERK OF COURT

January 2, 2018
DATE

s/Tiffinie Larkins
Deputy Clerk: Tiffinie Larkins

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TAQUAN GULLETT

VS

CASE NO. 4:17cv532-WS/CJK

CRAIG COIL, et al.

REFERRAL AND ORDER

Referred to Judge William Stafford on January 17, 2018

Motion/Pleadings: AFFIDAVIT FOR ENTRY OF CLERK'S DEFAULT AND FOR ENTRY OF DEFAULT JUDGMENT

Filed by PETITIONER on 1/16/18 Doc.# 18

RESPONSES:

_____ on _____ Doc.# _____

_____ on _____ Doc.# _____

_____ Stipulated _____ Joint Pldg.

_____ Unopposed _____ Consented

JESSICA J. LYUBLANOVITS
CLERK OF COURT

/s/Donna Bajzik

Deputy Clerk: Donna Bajzik

ORDER

Upon consideration of the foregoing, it is ORDERED this 22nd day of January, 2018, that:

(a) The requested relief is DENIED. Petitioner's appeal from the final judgment in this action deprives this court of jurisdiction to consider the issue of a party's default.

s/ William Stafford

WILLIAM STAFFORD
Senior United States District Judge

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-10060-F

TAQUAN GULLETT,

Petitioner-Appellant,

versus

CRAIG COIL,
JOETTA CAMPBELL,
IRISH ANDERSON,
CEDRIC DONAR,
ANGELA COTE DEMPSEY, et al.,

Respondents-Appellees.

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

Before: WILSON, ROSENBAUM and JULIE CARNES, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Taquan Gullett appeals from a magistrate judge's report and recommendation ("R&R") recommending that his 28 U.S.C. § 2241 petition be dismissed for lack of jurisdiction. The magistrate judge's R&R is not a final or directly appealable order that we have jurisdiction to review. *See United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009); *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982). In addition, the district court's subsequent adoption of the R&R on January 2, 2018 does not cure the premature notice of appeal. *See Perez-Priego v. Alachua Cty. Clerk of Court*, 148 F.3d 1272, 1273 (11th Cir. 1998).

We note that Mr. Gullett's appeal from the district court's January 22, 2018 denial of his motion for default judgment is currently pending before this Court in No. 18-10460. Nothing in this order shall preclude Mr. Gullett from seeking review of the final judgment of dismissal in that appeal in accordance with all applicable rules.

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-10460-F

TAQUAN GULLETT,

Petitioner-Appellant,

versus

CRAIG COIL,
JOETTA CAMPBELL,
IRISH ANDERSON,
CEDRIC DONAR,
ANGELA COTE DEMPSEY, et al.,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Florida.

ORDER:

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous. *See Pace v. Evans*, 709 F.2d 1428 (11th Cir. 1983).

/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TAQUAN RAHSHE GULLETT-EL, etc.

Petitioner,

vs.

Case No. 3:17-cv-881-J-32JBT

TIMOTHY J. CORRIGAN, etc., et al.,

Respondents.

ORDER

On September 20, 2017, the Court entered an Order and Injunction against petitioner, Taquan Rahshe Gullett-El, and his mother, Syteria Hephzibah-El, dismissing their case with prejudice and enjoining them from initiating any new actions or matters based on their long history of frivolous filings. See Order and Injunction, Doc. 7.¹ The Order directed the U.S. Marshal Service to serve copies of the Order and Injunction on petitioner and his mother, both of whom were in federal custody. Although the U.S. Marshal did effect timely service on Ms. Hephzibah-El (see Doc. 8), it appears the U.S. Marshal did not serve petitioner Taquan Rahshe Gullett-El until March 2, 2018 (see Doc. 9).²

¹As explained in that Order and Injunction, the undersigned determined he need not recuse even though named as a defendant because the case was patently frivolous and each succeeding judge becomes a new target of petitioner's and his mother's frivolous and retaliatory lawsuits. See Order & Injunction, Doc. 7 at 2, n.1 (citing Cuyler v. Presnell, Case No. 6:11-cv-623-Orl-22DAB (M.D. Fla. July 8, 2011)).

²The Clerk's September 21, 2017 Notes to the docket reveal that copies were mailed to both petitioner and his mother, and there is no subsequent entry reflecting that the mail was returned from the Post Master as undeliverable. However, given that petitioner has been in federal custody (and at more than one facility), it would not be surprising if the Order did not reach him; the Court will give him the benefit of the doubt in assuming that is the case.

Petitioner has now filed in this Court an "Affidavit of Merits as Notice of Appeal and As Objection to Order and Injunction Dated 20th Day of September 2017 and As Invitation Within 180 Day Period to Reopen Time for Appeal." Doc. 10. The Court construes this as a notice of appeal (as has the Clerk, who has forwarded a copy to the Eleventh Circuit Court of Appeals) and as a motion to reopen the time to file an appeal under the Federal Rules of Appellate Procedure, Rule 4(a)(6).

Rule 4(a)(6) provides:

The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the Court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

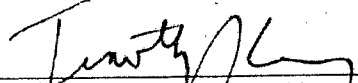
(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

Based on the recitation stated above, the Court finds that the requirements of parts (A) and (B) of Rule 4(a)(6) are satisfied. And, while the Court is inclined to find that no party would be prejudiced by permitting petitioner an opportunity to appeal, the Court will delay making a final decision until the government has an opportunity to respond, if it so chooses.³ Any response must be filed no later than **April 2, 2018**.

³While 182 defendants were named in this lawsuit, only four (all federal government agencies) had appeared by the time the Court entered its September 20, 2017 Order.

DONE AND ORDERED at Jacksonville, Florida this 19th day of March, 2018.


TIMOTHY J. CORRIGAN
United States District Judge

s.

Copies:

counsel of record
pro se petitioner

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TAQUAN RAHSHE GULLETT-EL, etc.

Petitioner,

vs.

Case No. 3:17-cv-881-J-32JBT

TIMOTHY J. CORRIGAN, etc., et al.,

Respondents.

ORDER

On September 20, 2017, the Court entered an Order and Injunction against petitioner, Taquan Rahshe Gullett-El, and his mother, Syteria Hephzibah-El, dismissing their case with prejudice and enjoining them from initiating any new actions or matters based on their long history of frivolous filings. See Order and Injunction, Doc. 7.¹ The Order directed the U.S. Marshal Service to serve copies of the Order and Injunction on petitioner and his mother, both of whom were in federal custody. Although the U.S. Marshal did effect timely service on Ms. Hephzibah-El (see Doc. 8), it appears the U.S. Marshal did not serve petitioner Taquan Rahshe Gullett-El until March 2, 2018 (see Doc. 9).²

¹As explained in that Order and Injunction, the undersigned determined he need not recuse even though named as a defendant because the case was patently frivolous and each succeeding judge becomes a new target of petitioner's and his mother's frivolous and retaliatory lawsuits. See Order & Injunction, Doc. 7 at 2, n.1 (citing Cuyler v. Presnell, Case No. 6:11-cv-623-Orl-22DAB (M.D. Fla. July 8, 2011)).

²The Clerk's September 21, 2017 Notes to the docket reveal that copies were mailed to both petitioner and his mother, and there is no subsequent entry reflecting that the mail was returned from the Post Master as undeliverable. However, given that petitioner has been in federal custody (and at more than one facility), it would not be surprising if the Order did not reach him; the Court will give him the benefit of the doubt in assuming that is the case.

Petitioner has now filed in this Court an "Affidavit of Merits as Notice of Appeal and As Objection to Order and Injunction Dated 20th Day of September 2017 and As Invitation Within 180 Day Period to Reopen Time for Appeal." Doc. 10. The Court construes this as a notice of appeal (as has the Clerk, who has forwarded a copy to the Eleventh Circuit Court of Appeals) and as a motion to reopen the time to file an appeal under the Federal Rules of Appellate Procedure, Rule 4(a)(6).

Rule 4(a)(6) provides:

The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the Court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

Based on the recitation stated above, the Court finds that the requirements of parts (A) and (B) of Rule 4(a)(6) are satisfied. The United States has responded that it is unopposed to the entry of an Order granting the motion. Doc. 13. The Court therefore finds no party would be prejudiced by permitting petitioner an opportunity to appeal.³

³While 182 defendants were named in this lawsuit, only four (all federal government agencies) had appeared by the time the Court entered its September 20, 2017 Order.

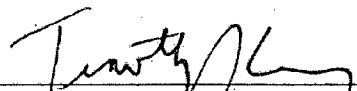
Accordingly, it is hereby

ORDERED:

To the extent that Petitioner's "Affidavit of Merits as Notice of Appeal and As Objection to Order and Injunction Dated 20th Day of September 2017 and As Invitation Within 180 Day Period to Reopen Time for Appeal" (Doc. 10), is a motion to reopen the time to file an appeal under the Federal Rules of Appellate Procedure, Rule 4(a)(6), that motion is **GRANTED**, and this same document (Doc. 10) shall be construed as a timely Notice of Appeal.

The Clerk shall advise the Clerk of Court for the Eleventh Circuit Court of Appeals of the entry of this Order.

DONE AND ORDERED at Jacksonville, Florida this 2nd day of April, 2018.


TIMOTHY J. CORRIGAN
United States District Judge

s.
Copies:

counsel of record
pro se petitioner

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-11031-F

TAQUAN RAHSHE GULLETT-EL,
General Executor-Caveator, Taquan Rashie Gullett Estate,

Plaintiff - Appellant,

SYTERIA HEPHZIBAH-EL,
General Executrix-Caveatrix, Syteria Lawrence Estate,

Plaintiff,

versus

TIMOTHY J. CORRIGAN,
a private person,
SEAN PATRICK FLYNN,
a private person,
W. STEPHEN MULDROW,
a private person,
JON S. WHEELER,
a private person,
RONNIE FUSSELL,
a private person, et al.,

Defendants - Appellees.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Taquan Rahshe Gullett-El failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in advance the full fee) to the district court within the time fixed by the rules, effective April 11,

2018.

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

by: Dionne S. Young, F, Deputy Clerk

FOR THE COURT - BY DIRECTION

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