

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 21-13280-E

---

RANDOLPH CODNER,  
State of Jah,  
a.k.a. Jah Rastafari Malchizdek,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

---

No. 21-13603-E

---

RANDOLPH CODNER,  
State of Jah,  
a.k.a. Jah Rastafari Malchizdek,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

---

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

---

Before: ROSENBAUM and GRANT, Circuit Judges.

BY THE COURT:

Randolph Codner, as known as “Jah Rastapari Malchizdek,” has filed a “Notice of Appeal,” which has been construed as a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court’s February 8, 2022, order consolidating his appeals and denying a certificate of appealability and miscellaneous relief in his underlying 28 U.S.C. § 2254 proceeding. Upon review, Codner’s motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 21-13280-E

---

RANDOLPH CODNER,  
State of Jah,  
a.k.a. Jah Rastafari Malchizdek,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

---

No. 21-13603-E

---

RANDOLPH CODNER,  
State of Jah,  
a.k.a. Jah Rastafari Malchizdek,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

---

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

---

ORDER:

Randolph Codner, also known as “Jah Rastapari Malchizdek,” seeks a certificate of appealability (“COA”) to appeal the denial of his 28 U.S.C. § 2254 petition and “Notice to Correct

Form.” Additionally, in Appeal No. 21-13208, Codner has filed a “Motion for Liberty of Counsel,” requesting that he be given access to legal resources and materials to litigate his appeal, and a “Motion to File Additional Information,” requesting that he be allowed to “show additional evidence” in support of his motion for liberty of counsel and his habeas petition. He also has filed a motion for injunctive relief in Appeal No. 21-13603, requesting that this Court order the respondent to stop providing him with medical treatment, and a motion for a hearing on his motion for injunctive relief. Because his appeals in Appeal Nos. 21-13280 and 21-13603 involve a common question of law or fact, they are *sua sponte* consolidated pursuant to Fed. R. Civ. P. 42(a).

To obtain a COA, a movant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where the district court dismissed a habeas petition on procedural grounds, the movant must show that reasonable jurists would debate (1) whether the motion states a valid claim of the denial of a constitutional right, and (2) whether the district court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Here, the district court properly dismissed Codner’s § 2254 petition because his claims were barred by the *Younger* abstention doctrine. The record indicates that the 2016 state criminal charges against Codner are still pending, and the state court continues to evaluate his competency. *See* Fla. R. Crim. P. 3.210(a) (providing that criminal proceedings shall not be proceeded against a person who is mentally incompetent); Fla. R. Crim. P. 3.213(a) (providing that, after five years following a determination that a defendant is incompetent to proceed when charged with a felony, if the defendant remains incompetent to proceed and there is no substantial probability that he will become competent in the foreseeable future, the charges should be dismissed without prejudice). Codner remains subject to the criminal charges and is being periodically evaluated to determine whether he is competent to reinstate his criminal proceedings. Accordingly, the *Younger* doctrine

barred the federal district court from intervening in the ongoing state proceedings. *See Younger v. Harris*, 401 U.S. 37, 43-45 (1971).

None of *Younger*'s three exceptions applied. First, Codner has not alleged any facts showing that his prosecution was brought with no intention of securing a conviction or to harass him. *See id.* at 48-49. Second, Codner has not shown that he will suffer any great or immediate injury, the prevention of which requires the intervention of the federal courts. *See id.* at 49. Finally, although Codner disputes the state court's orders finding him incompetent and committing him to the custody of the Florida Department of Children and Families, he did not show, and the record does not reflect, that the state courts were an inadequate forum to raise his claims. Therefore, none of the exceptions to *Younger* abstention apply to Codner's claims, and the district court properly denied his habeas petition.

Further, reasonable jurists would not debate the district court's denial of Codner's notice to correct form, as Codner used the names "Randolph Codner" and "Jah Rastapari Malchizdek," or variations thereof, throughout the district court proceedings. Additionally, this Court has no authority to grant Codner the injunctive relief that he requests. Finally, the arguments in his "Motion to File Additional Information," and the attached exhibits, have no bearing on whether the district court properly denied his habeas petition. Accordingly, Codner's motion for a COA, his motion for injunctive relief, his "Motion for Liberty of Counsel," and his "Motion to File Additional Information" are DENIED. Consequently, his motion for a hearing is DENIED AS MOOT.

/s/ Robin S. Rosenbaum  
UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 20-61831-CV-SINGHAL

RANDOLPH CODNER a/k/a  
Jah a/k/a Jah Rastafari Malchizdek,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

---

**ORDER DENYING**  
**PETITION FOR WRIT OF HABEAS CORPUS**

**I. Introduction**

**Randolph Codner**, *pro se*, presently confined at the Broward County Jail, North Broward Bureau, has filed this Petition and Amended Petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, challenging aspects of his ongoing criminal proceedings before the Seventeenth Judicial Circuit, Broward County, Case No.16008725CF10A. (DE [1], [10], [11]). Dismissal of the proceedings without prejudice is appropriate pursuant to *Younger v. Harris*, 401 U.S. 37 (1971).

**II. Factual and Procedural History**

The following pertinent facts are derived from the state trial court's online docket, which the Court will make part of the instant record by separate order to the Clerk of Court. On July 27, 2016, the state charged Petitioner with written threats to kill or do bodily injury (Count 1), extortion (Count 2), corruption by threat (Count 3), illegal use of two-way

communication device (Count 4), and making an obscene or harassing telephone call (Count 5). (State Trial Court Docket, Case No. 16008725CF10A).

The case has yet to proceed to trial. See *generally id.* On July 12, 2021, the state trial court issued an order finding Petitioner incompetent and committing him to the custody of the Florida Department of Children and Families. *Id.* This order is the last entry in the state criminal docket. *Id.*

On September 9, 2020, Petitioner filed the instant petition. (DE [1]). On February 16, 2021, Petitioner filed a motion for leave to amend along with an Amended Petition. (DE [10], [11]). On July 15, 2021, Petitioner filed a motion to add the Broward County Sherriff as a respondent to these proceedings. (DE [17]).

### III. Discussion

#### A. Abstention

In *Younger v. Harris*, the United States Supreme Court held that “federal courts should not stay or enjoin pending state court proceedings except under special circumstances.” See, e.g., *Turner v. Broward Sheriff’s Office*, 542 Fed. Appx. 764, 766 (11th Cir. 2013) (discussing *Younger v. Harris*, 401 U.S. 37 (1971)). This abstention doctrine applies when (1) the challenged proceedings are ongoing state judicial proceedings; (2) the proceedings implicate important state interests; and (3) there is an adequate opportunity in the state proceedings to raise those constitutional concerns. *Adams v. State of Fla.*, 185 Fed. Appx. 816 (11th Cir. 2006) (relying upon *31 Foster Children v. Bush*, 329 F.3d 1255, 1274 (11th Cir. 2003)).

Although *Younger v. Harris* was decided in the § 1983 context, the Eleventh Circuit has applied the abstention doctrine in the § 2241 context. See *Hughes v. Attorney Gen.*

of Fla., 377 F.3d 1258, 1275 (11th Cir. 2004) (concluding the district court should have abstained pursuant to *Younger* with respect to the pre-trial habeas petition). This Court has also applied *Younger v. Harris* in the § 2241 context. See, e.g., *Simon v. United States*, 2018 WL 6446591, at \*1 (S.D. Fla. Dec. 10, 2018) (adopting a magistrate judge's Report and Recommendation for dismissal pursuant to *Younger v. Harris*, or in the alternative, for failure to exhaust state remedies, due to ongoing state criminal proceedings).

"[U]nless state law clearly bars the interposition of the specific constitutional claims[.]" federal courts should abstain whenever "vital state interests are involved[.]" *Middlesex Cty. Ethics Comm. v. Garden State Bar Assn.*, 457 U.S. 423, 432 (1982) (quoting *Moore v. Sims*, 442 U.S. 426 (1979)). See also *Hawaii Hous. Auth. v. Midkiff*, 463 U.S. 1323, 1325 (1983) (stating the same principle and adding that an extraordinary circumstance may also qualify as a basis not to apply *Younger's* abstention doctrine). These rules are consistent with the "recognition that national government functions best if state institutions are unfettered in performing their separate functions in their separate ways." *Hawaii Hous. Auth.*, 463 U.S. at 1325 (relying upon *Younger*, 401 U.S. at 44).

Here, *Younger* is implicated because Petitioner is in state custody pursuant to pending state charges. See *Younger*, 401 U.S. at 47-48 (showing the abstention doctrine was established in the context of a challenge presented during pending criminal proceedings). Petitioner's criminal proceedings in Broward County were initiated before he filed a complaint in this Court. See *For Your Eyes Alone, Inc. v. City of Columbus, Ga.*, 281 F.3d 1209, 1218 (11th Cir. 2002) (concluding *Younger* did not apply when an individual's arrest occurred after he initiated the federal action).



Because the ongoing state criminal proceedings involve important state interests, and Petitioner has an adequate opportunity to raise his constitutional challenges in Florida's state courts, *Younger*-abstention is appropriate in this case. See *Turner*, 542 Fed. Appx. 764, 767 (11th Cir. 2013) (relying upon *Middlesex*, 457 U.S. at 432); *Hale v. Pate*, 694 Fed. Appx. 682 (11th Cir. 2017) ("Because the revocation proceeding was not final at the time Hale filed his complaint in the district court, *Younger* abstention still applies."). There is nothing "extraordinary" about this case to warrant an exception. See *Hawaii Hous. Auth.*, 463 U.S. at 1325.

**IV. Conclusion**

For the reasons discussed above, the Court concludes that dismissal is appropriate on the basis of *Younger* abstention. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that this petition (DE [1]) is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **CLOSE** this case and **DENY AS MOOT** all pending motions.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 30th day of July 2021.

  
\_\_\_\_\_  
RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

cc: Randolph Codner, PRO SE  
502100532  
Broward County Jail-NBB  
North Broward Bureau  
Inmate Mail/Parcels  
Post Office Box 407037  
Ft. Lauderdale, FL 33340

Noticing 2254 SAG Broward and North  
Email: CrimAppWPB@MyFloridaLegal.com

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