

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

DEANTE DIXON,

Plaintiff,

v.

CASE NO. 8:18-cv-1067-T-26MAP

UNITED STATES OF AMERICA,

Defendant.

_____ /

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of Plaintiff's underlying criminal case, case number 8:15-cr-250, as well as Plaintiff's appellate counsel's representation in her motion to stay that Plaintiff's direct appeal is still pending with his petition for writ of certiorari to the Supreme Court being due on May 7, 2018, thus making his motion to vacate premature, it is **ORDERED AND ADJUDGED** that Plaintiff's *pro se* Motion to Vacate (Dkt. 1) is denied for lack of jurisdiction as premature. See United States v. Dunham, 240 F.3d 1328, 1329 (11th Cir. 2001).¹ The Motion to Stay (Dkt. 2) is denied as moot. The Clerk is directed to close this case.

DONE AND ORDERED at Tampa, Florida, on May 4, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record

¹ As in Dunham, this dismissal is without prejudice to Plaintiff filing a subsequent Motion to Vacate after the disposition of his direct appeal.