

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JODY MAURICE CRUM,

Petitioner,

v.

CASE NO. 8:18-cv-3039-T-02SPF

STATE OF FLORIDA,

Respondent.

---


**ORDER**

Jody Maurice Crum, a Florida prisoner, initiated this action by filing a Petition for Writ of Certiorari under Rule 9.100, Florida Rules of Appellate Procedure (Dkt. 1), in which he asks the court to review an order issued by the Tenth Judicial Circuit Court, Polk County, Florida, denying his state post-conviction motion.

The Florida Rules of Appellate Procedure are inapplicable in an action in federal court. *See, e.g., Gwynn v. Rabco Leasing, Inc.*, 2010 WL 1408412, at \*2 (M.D. Fla. Apr. 2, 2010) (“The Federal Rules of Civil Procedure govern procedural matters in federal court.”) (citing Rule 1, Fed.R.Civ.P. (“These rules govern the procedure in all civil actions and proceedings in the United States district courts. . . .”)). Moreover, federal district courts are not appellate courts and lack jurisdiction to review state court judgments. *See Green v. Jefferson County Commissioner*, 563 F.3d 1243, 1249 (11th Cir.2009) (holding that “the *Rooker-Feldman* doctrine recognizes that federal district courts do not have jurisdiction to act as appellate courts and precludes them from reviewing final state court decisions.”) (citing *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923) and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983)).

Accordingly, it is **ORDERED** that Mr. Crum's Petition for Writ of Certiorari (Dkt. 1) is **DISMISSED**. The dismissal is without prejudice to Mr. Crum filing an application for federal habeas corpus relief after exhaustion of any state remedies still available. The **Clerk** shall close this case.

**DONE and ORDERED** in Tampa, Florida on 12/27, 2018.

  
\_\_\_\_\_  
WILLIAM F. JUNG  
United States District Judge

SA: sfc  
Copy to: Jody Maurice Crum