

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

RODRICK LAMONT HEMINGWAY,

Petitioner,

v.

CASE NO. 8:19-mc-45-T-02CPT

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA,

Respondent.

\_\_\_\_\_/

**ORDER**

This cause comes before the Court on a “Motion to Stay All Proceedings Until Application for Transfer of Action” (Dkt. 1). The motion refers to a conviction entered in the Circuit Court in Broward County, Florida, which is located in the United States District Court, Southern District of Florida.<sup>1</sup> The Petitioner is currently confined at the Everglades Correctional Institution in Miami, Florida, located in the Southern District of Florida.

Although this is not a federal habeas corpus petition, which may be filed either in the District of the state conviction or where the petitioner is confined, *see*

---

<sup>1</sup> The case numbers cited in the motion refer to a conviction that was affirmed on appeal by the Florida Fourth District Court of Appeal. *Hemingway v. Florida*, 613 So. 2d 942 (Fla. 4th DCA 1993) (affirming judgment of conviction and sentence but remanding to consider restitution after notice and hearing).

28 U.S.C. § 2241(d), the pending motion, which was opened as a miscellaneous case, appears to seek a stay to effect a transfer, perhaps of some matter concerning his conviction from the state court system to the federal court system. A Westlaw search reveals that earlier this year, the Florida Supreme Court dismissed his case. *Hemingway v. Florida*, No. SC19-319, 2019 WL 962457 (Fla. Feb. 28, 2019) (dismissing review of district court of appeal decision issued without opinion). Petitioner is a person in custody under judgment and sentence of Florida. The Southern District would be the federal court, if any, that might have jurisdiction to consider Petitioner's request. This Court may transfer this case to the Southern District for consideration there. *See* 28 U.S.C. § 2241(d).

Accordingly, the Clerk shall immediately forward the case file to the United States District Court, Southern District of Florida, for all further proceedings, terminate any pending motions, and close the case.

**DONE AND ORDERED** at Tampa, Florida, on June 26, 2019.

s/William F. Jung  
**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**