

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LOUIS MATTHEW CLEMENTS,

Petitioner,

v.

Case No. 2:24-cv-294-JES-NPM

SECRETARY, DEPARTMENT OF
CORRECTIONS,

Respondent.

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ORDER

The Court dismissed this action on April 22, 2024, on the ground that it did not have jurisdiction to consider it. (Doc. 4). The Court relied on the Eleventh Circuit's opinion in Clements v. Florida, which held that "[t]he restrictions on freedom of movement" imposed by Florida's lifetime registration and reporting requirements were "not severe enough" to place sex offenders "in custody" under 28 U.S.C. § 2254(a). 59 F.4th 1204, 1215-17 (11th Cir. 2023). On July 9, 2025, the Eleventh Circuit concluded that the dismissal was premature because the Court did not consider the restrictions on sex offenders' residency when determining that Petitioner was not in custody when he filed the petition. (Doc. 21). Specifically, the appellate court determined that the parties should have "the opportunity to develop the record as to the restrictions imposed by Florida's sex-offender residency requirements" so that the district court can "rule on whether these

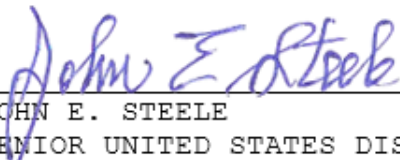
residency restrictions, considered in combination with the registration and reporting requirements" render Petitioner "in custody" for purposes of filing a 28 U.S.C. § 2254 habeas corpus petition. (Id. at 7).

Accordingly, it is **ORDERED**:

1. The Court **VACATES** the dismissal of this action. (Doc. 4). The **Clerk** is **DIRECTED** to reopen this case.

2. The parties have through **November 14, 2025**, to conduct any necessary research or discovery on the restrictions and reporting requirements for Florida sex offenders. Within **THIRTY (30) DAYS** thereafter, Respondent shall brief the Court on whether Florida's sex offender rules—the residency restrictions combined with the registration and reporting requirements—render a petitioner "in custody" for habeas purposes, even when the petitioner is no longer in physical custody.¹ Petitioner shall have **TWENTY-ONE (21) DAYS** to reply.

DONE and ORDERED in Fort Myers, Florida on August 15, 2025.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies: Parties of record

¹ Respondent need not address the timeliness or merits of Petitioner's habeas petition until after the Court considers whether it has jurisdiction to consider it.