

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Clifford Friend v. Ricky Dixon

Friend · No. 25-cv-24695-BLOOM · Decided February 24, 2026

SUMMARY

The United States District Court for the Southern District of Florida granted the Respondent’s motion for clarification and dismissed Clifford Friend’s 28 U.S.C. § 2254 habeas petition as untimely under AEDPA. The court held that delayed access to public records, related civil litigation, and counsel’s misunderstanding of tolling did not constitute extraordinary circumstances warranting equitable tolling.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Beth Bloom
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 24, 2026
DOCKET	25-cv-24695-BLOOM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Respondent moved for clarification and argued that Friend's 28 U.S.C. § 2254 habeas petition was untimely. The district court granted the motion and dismissed the petition as untimely.
STANDARD OF REVIEW	The court applied AEDPA's statutory one-year limitation period and the equitable-tolling standard requiring reasonable diligence and an extraordinary circumstance that caused the late filing.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Clifford Friend v. Ricky Dixon, Secretary, Florida Department of Corrections

TOPICS

- federal habeas corpus
- statute of limitations
- post-conviction relief
- successive petitions
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Friend's federal habeas petition was timely under AEDPA's one-year statute of limitations.
2. Whether the State's delayed or incomplete production of public records and the resulting civil litigation constituted extraordinary circumstances warranting equitable tolling.
3. Whether counsel's mistaken belief that the public-records litigation automatically tolled AEDPA's limitations period warranted equitable tolling.

HOLDINGS

1. A state post-conviction motion filed after AEDPA's federal limitations period has expired cannot statutorily toll that period because no time remains to be tolled.
2. Delayed or incomplete access to public records, and litigation seeking those records, did not constitute an extraordinary circumstance warranting equitable tolling where Friend failed to show that the records were necessary to file his state or federal habeas claims or that the circumstances caused the late filing.
3. Counsel's mistaken belief that a civil action seeking public records automatically tolled AEDPA's limitations period did not constitute an extraordinary circumstance warranting equitable tolling.

KEY QUOTATIONS

“To be entitled to equitable tolling, a petitioner must show “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.”” (III)

“Without a demonstrated need for the materials, the Court is unwilling to find that civil litigation or the delay in receiving the sought-after records necessarily precluded Friend from filing in this case.” (III)

“Therefore, because the Court finds that there are no extraordinary circumstances warranting equitable tolling, Friend’s habeas petition is untimely and must be dismissed.” (III)

FACTUAL BACKGROUND

Friend was convicted in Florida of the lesser-included offense of second-degree murder and sentenced to life imprisonment in 2014. His direct appeal was affirmed without opinion in 2016, and he later sought state post-conviction relief under Florida Rule of Criminal Procedure 3.850. Friend also pursued a public-records request and related civil litigation, asserting that delayed and incomplete records prevented him from timely filing post-conviction claims. He filed his federal § 2254 petition on October 12, 2025.

PROCEDURAL HISTORY

Friend was convicted in Florida state court of second-degree murder and sentenced to life imprisonment. His direct appeal was affirmed without opinion, and he later pursued a state Rule 3.850 motion and litigation concerning a public-records request. After the state post-conviction proceedings concluded, Friend filed this federal habeas petition on October 12, 2025. The district court held that the petition was untimely because the public-records litigation and counsel's mistaken tolling belief did not justify equitable tolling.

DISPOSITION

dismissed

CASES CITED

- Brumfield v. Cain, 576 U.S. 305, 311 (2015)
- Slaton v. Jones, No. 16-21425-CIV, 2018 WL 11598649, at *2 (S.D. Fla. Feb. 7, 2018)
- Wells v. State, 132 So. 3d 1110, 1113 (Fla. 2014)
- Gonzalez v. Thaler, 565 U.S. 134, 150 (2012)
- Brown v. Barrow, 512 F.3d 1304, 1307 (11th Cir. 2008)
- San Martin v. McNeil, 633 F.3d 1257, 1266-68 (11th Cir. 2011)
- Lawrence v. Florida, 549 U.S. 327, 331-32 (2007)
- Knight v. Schofield, 292 F.3d 709, 711 (11th Cir. 2002)
- Steed v. Head, 219 F.3d 1298, 1300 (11th Cir. 2000)
- Helton v. Sec'y for Dep't of Corr., 259 F.3d 1310, 1312 (11th Cir. 2001)
- Irwin v. Dep't of Veterans Affairs, 498 U.S. 89, 96 (1990)
- Tinker v. Moore, 255 F.3d 1331, 1333-34 (11th Cir. 2001)
- Webster v. Moore, 199 F.3d 1256, 1259 (11th Cir. 2000)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Cadet v. Fla. Dep't of Corr., 853 F.3d 1216, 1223, 1225 (11th Cir. 2017)
- Cole v. Warden, Georgia State Prison, 768 F.3d 1150, 1158 (11th Cir. 2014)
- Diaz v. Kelly, 515 F.3d 149, 154 (2d Cir. 2008)
- Arthur v. Allen, 452 F.3d 1234, 1253 (11th Cir. 2006)
- Lugo v. Sec'y, Fla. Dep't of Corr., 750 F.3d 1198, 1209 (11th Cir. 2014)
- Hutchinson v. Florida, 677 F.3d 1097, 1099 (11th Cir. 2012)
- Jackson v. Sec'y, Dep't of Corr., No. 8:19-CV-3152-T-33AAS, 2020 WL 2523310, at *3 (M.D. Fla. May 18, 2020)
- Henriquez-Hernandez v. Sec'y, Dep't of Corr., No. 8:19-CV-2940-WFJ-MRM, 2022 WL 3018267, at *3 (M.D. Fla. July 29, 2022)
- Dorch v. State, 483 So. 2d 851, 852 (Fla. 1st DCA 1986)
- Williams v. Sec'y, Dep't of Corr., No. 8:07-CV-458-T-30EAJ, 2009 WL 1046131, at *2 (M.D. Fla. Apr. 20, 2009)
- Reeves v. Sec'y, Dep't of Corr.
- Lloyd v. Van Natta, 296 F.3d 630, 633-34 (7th Cir. 2002)