

No. _____

Application 18A156

IN THE

SUPREME COURT OF THE UNITED STATES

Renee D. Bell — PETITIONER
(Your Name)

Orlando Health,
S.B.A. Winnie Palmer Hospital vs.
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fifth District Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Renee D. Bell
(Your Name)

P.O. Box 91
(Address)

Winter Park Fla. 32790
(City, State, Zip Code)

813-323-4293
(Phone Number)

No. _____

Application No: 18A156

**IN THE
SUPREME COURT OF THE UNITED STATES**

**Renee D. Bell
Petitioner/Appellant,**

vs.

**Orlando Health, D.B.A. Winnie Palmer Hospital
Respondent/Appellee.**

ON PETITION FOR A WRIT OF CERTIORARI TO

**FIFTH DISTRICT COURT OF APPEAL
(Name of Court That Last Ruled On Merits of Your Case)**

PETITION FOR WRIT OF CERTIORARI

**RENEE D. BELL
P.O. BOX 91
WINTER PARK, FL. 32790
813-323-4293**

QUESTIONS-PRESENTED

1. ***Whether*** dismissal base on fail to meet a pre-trial conference is a drastic action, and where court access is barred prior to the dismissal that the court fail to move forth on case, over two years, where motion is file pursuant Fl. R.C.P. Rule 1.440- 'notice that the action is at issue', and ready for trial. ***Whether*** the offer of "Without Prejudice" is sufficient protocol of any Court "which the Rule "without prejudice" in a judgment, order, or decree, dismissing case, grants opportunity to re-file. However, that the right to redress is obstructed, is this an abuse of discretion, then to say "without prejudice" that the appellant is free to litigate, which this case is absent of any decision on the merits. ***Although***, there is challenge of the Constitutional requirements such as "Right to Redress", US Const. Amend. (1) (1791). Due Process of Law, US Const. Amend. (14). And Equal Protection of the Law. ***Whether***, the tribunal's lack of concern for Procedural, and Substantive Rights, warrant reversal, that Procedurally, the tribunal delay the case in the court for years, and later decide that "Mandatory" status conference is a proper dismiss. Substantially, how the facts/merits of the case are mis-handle that the plaintiffs' motion for partial summary judgment and arguments are not address when case dismiss. ***Whether***, the bar of access to the court prior to dismissal, and lack of an opportunity to offer a contrary presentation of evidence in the "Mandatory" Pre-trial conference warrant dismissal, of the complaint, and the action. ***Whether***, the tribunal's failure to establish deliberate or insubordinate regard for the courts authority, on the part of the plaintiff, is ground for reversal. ***Whether***, order granting the defendants' motion to dismiss after "Pre-Trial" conference, is also to serve as an order "dismissing the action" for failure to appear. ***Whether***, dismissal of Complaint is warranted for 'fail to appear' where the party (Plaintiff), while in the tribunal state reason for confusion is between dates, and an unforeseen circumstance. ***Whether***, the request for "Leave to Amend Complaint", inclusive of unforeseen circumstance, which sheriff, appear at residence on a 'fraudulent foreclosure' "without notice", and the (plaintiff), is unknowingly remove from 20yr tenure of residential property, this cause the " fail to appear" do this warrant dismissal. ***Whether***, the fact the trial court "did -not find" willful disobedience of a court order, or deliberate and contumacious disregard of the courts authority, or any willful abuse of the processes of the court, warrant dismissal. ***Whether***, the actions of the "Fifth District" is abuse of discretion, that court access is remove which the court taken fees which appellant *initial claim indigent and is denied*. Though immediately after fee payed, the Fifth District, dismiss and declare "without jurisdiction". This action remove Constitutional guarantee of the right of access to the court, and redress at the next level of review, the "Florida Supreme Ct" that the order is without an "elaborated opinion."

LIST OF PARTIES

[]

[X] All parties *DO NOT* appear in the caption of the case on the cover page.
A list of all parties to the proceeding in the court whose judgement is the
Subject of this petition is as follows:

1. Renee D. Bell

2. Orlando Health

DBA/Doing Business As: Winnie Palmer Hospital

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12. Wells v. State, 132 So. 3d 1110 (Fla. 2014).
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14. Dodi Publishing Co. v. Editorial America, S.A. 385 So. 2d 1369 (Fla.1980).
15. Gandy v. State, 846 So. 2d 1144 (Fla. 2003).

OTHER:

1. **24 Am Jur 2d Dismissal § 58 Limitation on power of trial court**

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at Florida Fifth District Court of Appeals; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

28 USC § 1257 (a).

1. THE DATE WHICH THE HIGHEST STATE COURT DECIDE THE CASE:
Thursday April 26, 2018/ Case No: SC18-630 /Florida Supreme Court .
2. THE TIMELY PETITION FOR RE-HEARING DATE:
April 13, 2018 / Final Decision/April 23, 2018/ Case No: 5D18-0329
Florida Fifth District Court of Appeal .
3. REQUEST FOR EXTENSION PRESENTED AUGUST 14, 2018
TO HON. JUSTICE THOMAS
4. EXTENSION OF TIME: GRANTED AND EXTENDED UP TO AND INCLUDING
SEPT.10 2018 On App No: **18A156** & **SEPT. 23, 2018** On App No: **18A157**

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 USC § 1257 (a).

Florida State Court Certiorari

CONSTITUTIONAL AND STATUTORY PROVISIONS

1. United States Constitution

2. Florida Constitution

Other:

1. Article V Sect. 3(b) Florida Constitution

STATEMENT OF THE CASE/FACTS

Comes now, the undersigned, petitioner Renee D. Bell, by and through Pro Se, authority moreover, according to Title U.S. Code § 1654, 1652, and Article 1 § 21, Constitution Florida. Further, pursuant to the case facts of the petitioners' brief. The Ninth Judicial Circuit, In and for Orange County, Fl., began review of the above style caption by experimenting with pre-argument conference procedures, beginning January 11, 2017. Therefore, because of the Plaintiff's motion, the trial court followed with "Order" setting hearing for March 07, 2017.

2. As in any case before a Court, some related reasons which are well-known, and the purpose for pre-trial, is (1). To attempt to resolve procedural matters. (2). Clarifying the issues. (3). Confirming the parties, involved in the suit. (4). Explore the possibilities of a settlement. (5). remove fictitious claim, non-founded, or those that could be frivolous, (6). Moreover, to establish that the court has reasonable grounds to move forward in a trial if necessary.

3. This past June 2018, the Ninth Judicial Circuit Court, determined that a Pre-trial Conference would basically be an "end decision" in the above case, as well as declaring that the Pre-trial Conference, would be a one-time mandatory meeting, which would face immediate dismissal if that either party fail to appear for the conference.

4. After several instances of attempts to schedule the Pre-trial, conference in accordance with the many attorneys' schedules, and the petitioner's college courses, the trial Court concludes to a decision with the defendant's attorneys, on a mandatory, "Pre-Trial" Conference, which would include automatic dismissal, if not attended by either party to suit.

STATEMENT OF THE CASE/FACTS

5. The Ninth Judicial Circuit, (Trial Court) on June 14 2017 dismiss the plaintiffs Complaint, which the plaintiff, timely file a Motion for "Rehearing/Reconsideration." Following the trial court set a mandatory Pre-trial conference hearing for October 3 2017 for argument on "Motion for Reconsideration". Thereafter, the trial court, Sua- Sponte, cancel the October 3rd, 2017, Conference/Hearing and re-scheduled this same mandatory Pre-trial conference hearing on October 31, 2017. Furthermore, and prior to the scheduled hearing for Oct.31 2017, the trial court, on: October 10, 2017, reverse the "Order" dismissing the plaintiffs Complaint, which an "Order Vacating Dismissal" appears to the court docket. There are several "Motions" filed on behalf of the plaintiff, and the defendants, that are pending. The Plaintiffs, final motion is request for a "Partial Summary Judgment." The tribunal advise that "All" motions will be addressed on the October 31, 2017, Pre-Trial hearing. However, the trial courts final decision taken under advisement only "the defendant's motions", that were to dismiss case. The plaintiff motions, which are a request for leave to amend "Initial Complaint", "Motion" for Partial Summary Judgment and the underlying issue that the attorney that represent Orlando Health, (DBA) as Winnie Palmer Hospital, violate the laws of the Florida Bar Assoc., and Code of Ethics for the legal profession which the office of Mateer & Harbert, Francis Pierce, and asst. Susan Sewell, which the attorney, and or his assistant (Sewell) represent defendant, Orlando Health, in another case which involve the plaintiff, and is a conflict of interest.
6. The October 31 2017 hearing proceed without delay as schedule. However, the tribunal court, decide not to address pending motions. The tribunal affirmed at the end of the Pre-trial conference Oct.31 2018, that the *defendants*, "Motion" to dismiss would be taken under advisement by the court. The trial court open at 2:30pm on Oct.31, 2017 and recess is 2:51pm/same date. Following, the Mandatory Pre-trial and without notice, the plaintiffs complaint, and case is improperly dismiss.

STATEMENT OF THE CASE/FACTS

THEREFORE,

7. The plaintiff, moved to appeal, in the “Florida Fifth District Court of Appeals”. The response of the Florida Fifth District Court Of Appeal:

“Without Jurisdiction”

8. The plaintiff, “Motion for Re-consideration to the Florida Fifth District” the “Motion” is **Denied** on:

4 /18

9. The plaintiff thereafter moved to an appeal, to the “Florida Supreme Court.” The response of the **Florida Supreme Court** is as follows:

The **Florida Supreme Court**, Decision: “Lack of **Jurisdiction**”

The Florida Supreme, dismiss the case for “Lack of Jurisdiction” the Florida Supreme taken the opportunity to clarify its decision, by citing to case law in Well v. State, 132 So. 3d 1110 (Fla. 2014) . Further, state that the Florida Supreme, will not review Un-elaborated per curiam affirmances, and denials for relief rendered without written Opinion. In Jenkins v. State, 385 So. 2d 1356 (Fla. 1980). The Florida Supreme, advise that it explicitly held that the court lack discretionary review jurisdiction over the following four types of cases: (1). A Per Curiam Affirmance rendered without opinion See: Jenkins, 385 So. 2d at 1359 (2). A Per Curiam Affirmance with a citation to (i) a case not pending review or a case that has not been quashed or reversed by this court, (ii) a rule of procedure, or (iii) a statute---See Dodi Publishing Co. v. Editorial America, S.A 385 So. 2d at 1369 (Fla. 1980)., and Jollie v. State, 405 So. 2d 418 421 (1981); (3) a per Curiam or other unelaborated denial of relief rendered without written opinion –See Stallworth v. Moore, 827 So. 2d /974/978 (Fla. 2002); and (4). A Per Curiam or other unelaborated denial of relief with a citation to (i) a case not pending review or a case that has not been quashed or reversed by this court.(ii) a rule of procedure, or (iii) a statute ---see Gandy v. State, 846 So. 2d 1144 (Fla. 2003).

STATEMENT OF THE CASE/FACTS

Wherefore, that case law demonstrated in *Dodi* publishing, that the district court decision rendered without opinion or citation constitutes a decision from the highest state court, empowered to hear the cause, and which the appeal may be taken directly to the **United States Supreme Court**.

Dodi Publishing Co. v. Editorial America, S.A. 385 So. 2d at 1369 (Fla. 1980)

Therefore, the plaintiff appeal the case, to this United States Supreme Court, on request for

“Certiorari”

Below is the Case Docket, For Ninth Judicial Circuit, (Tribunal) which the Florida Fifth District, Docketed and “Dismissed”, and the Florida Supreme, cannot review because of the above-demonstrated unelaborated opinion, which that court is also without docket history. Therefore the actions of the below docket relate to the record on appeal, are of the tribunal. The Florida Fifth District docket the case, and after receiving payment, dismiss action.

STATEMENT OF THE CASE/FACTS

DATE:

EVENT:

8/02/2012	Complaint Filed
08/02/2012	Civil Indigent determined
08/06/2012	Order Denying Indigence
08/24/2012	Clerks Letter to Submit fee*

Court, allowed payments until total received*

01/2013 No Response From Court/ Case Linger Docket* Dec/ 2013.*

Plaintiff cont. service of process*

04/23/2014	Documents Return/New Registered Hospital-Agent/Refuse to Accept Summons.
09/30/2014	Summons Issued
10/07/2014	Summons Returned Served
10/09/2014	Notice of Appearance of Counsel
10/09/2014	Counsel Designated Email
10/09/2014	Defendant/Motion Strike Complaint
02/06/2015	Plaintiff / Motion For Hearing
04/06/2015	Plaintiff /Exhibits

10/19/2015 Plaintiff, Preconference Request /Case Ready/Settlement aggrement. Rep. Orl. Health. No Response From Court.*

STATEMENT OF THE CASE/FACTS

01/11/2016 /Thru/ 12/2016

No response from Court* Case Linger Docket*

01/11/2017

Plaintiff/Motion

03/07/2017

"Order Setting Hearing" or 06/09/2017

No Response From Court* 03/07/2017 Until Hearing 06/09/2017.*

06/09/2017

"Hearing" Judge John E. Jordan

06/09/2017

"Court-Minutes For A Status Conference"

06/14/2017

"Order" of Dismissal/ Final

07/20/2017

Plaintiff /Motion/Rehearing/Reconsideration

07/21/2017

Plaintiff / "Notice of Address Change"

08/01/2017

"Order" Setting Hearing For 08/29/2017 @9.00am.

08/25/2017

"Order" Setting Hearing For 10/03/2017 @9:45am.

08/29/2017

"Hearing" cancelled by Court/Re-scheduled 10/03/17

10/03/2017

"Hearing"

10/12/2017

Notice of Hearing For 10/31/2017@ 2:15pm.

10/31/2017

Plaintiff /the Defendant/Motions

10/31/2017

"Hearing"

11/27/2017

"Order of Dismissal"

01/29/2018

"Notice of Appeal"

01/30/2018

"Acknowledgment of Appeal" 5D18-0329

02/01/2018

"Trial Court/Invoice"

02/21/2018

Receipt \$180.00/ Transfer/Record ON Appeal.

Standard of Review:

1. **The Florida Fifth District Court** interpreted the United States Constitution to mean that a decision received from the Tribunal Court, which it denies to provide relief, and redress to the plaintiff, is to respond “**without an elaborated opinion.**”
2. **The type of underlying issue resolved by the lower court, and the applicable standard of review:**
 - a. **The tribunal did not resolve the underlying issue;** (DUE PROCESS, & REDRESS, the lower court issue a final order, denying all pending motions as “Moot” with **exception of the defendants, request for dismissal.**
 - b. **The Florida Fifth District Court DID NOT resolve the underlying issue.** (DUE PROCESS, AND REDRESS)
 - c. **The Florida Fifth District removed access to the Court, in next level of Jurisdiction.**
 - d. Whether, the appellant is entitled to leave to amend complaint, and should the court grant the request to amend, before moving to dismissal, on other actions, of the case, in (*tribunal*).

Statutory interpretation presents a question of law over which this Court exercises

De Novo Review.

3. A well-established standard of review: **Questions of Constitutionality** are considered a type of question of law, Thus appellate courts review is normally **De NOVO**
4. **The Standard of Review:**

Under a De Novo standard of Review, this Court owes no deference to the district courts
Statutory interpretation analysis.

 - a. **Strict Scrutiny**, is used, which relates to fundamental rights, such as those listed in the Bill of Rights, The Due Process Rights of the Fourteenth Amendment, the court apply strict scrutiny.
5. A Mandatory decision/citation supporting position* **Johnson v. California**, 543 US 499 2005, relate to strict scrutiny standard of review.
6. **The Fifth District Court of Appeal , Interpreted the United States Constitution, to mean**
The Denial of the US Constitutional Rights, when the decision is to deny relief to a Pro Se’, litigant.

SUMMARY OF THE ARGUMENT

1. The Courts fail to provide Due Process, Equal Protection of the law, pursuant to the United States Constitution, 5, 14.
 2. Abuse of Discretion by the tribunal, and the Fl. Fifth District. Although The Florida Supreme, review is not available, it is premise on relevant case law.
 3. The tribunal deny the plaintiff, the guaranteed rights of the US Constitution
 4. The tribunal improperly struck the plaintiffs pleading/Complaint, & Dismiss case.
-
5. * *The Florida Fifth District*, abuse discretion by (bar of court access), US Constitution Amend.1 and denial of relief.
 6. * The fifth District, Deny the US Constitutional rights, to a Pro Se litigant.

ARGUMENT

The denial of Due Process, still exists in the United States, although the United States Constitution, and the laws of the state, prohibit the same. Injustice in the judicial system most often take place when litigants are Pro Se, and unable to compensate for the attorney fees. The Pro Se litigant, face many dangers in receiving dismissal, and getting redress of a case. The Appellant, ("Bell"), in this case argue that the "Order" of dismissal was improper in the Tribunal, And improperly, decided in the "Florida Fifth District Appeals Jurisdiction", where an "Un-elaborated Opinion" is the issue, in this case as above demonstrated.

1. The striking of a Pleading /Complaint, for failure to meet at a pre-trial conference is a harsh penalty, for a first infraction. Moreover, that the reason for failure to appear relate to an emergency.
2. The mandatory Pre-Trial Conference, was a injustice to the plaintiff/appellant, design to dismiss the case, Moreover, the plaintiffs case is deliberately forgotten in the tribunal, for years, Moreover, neither party of the defendants is prejudiced, that the representative agent of the defendants, and attorney thereof, didn't bother response, to either motions of the plaintiff/appellant over the years, and later sadly request by motion to dismiss, when notice generate of a "Pre-trial" conference. Further, the court was aware of an ongoing foreclosure case, and other pending causes, of the plaintiff/appellant when it scheduled mandatory Pre-Trial, less than 20days, before the appearance, and no prior notification is mail to advise of date, and the schedule changes.
3. The decision to issue an un-elaborated opinion is certainly *within* the appellate courts discretion (The Florida Fifth District). However, an Un-elaborated opinion that removes the opportunity to have redress, when there is no redress in the tribunal court, is a severe injustice, to say the least. Moreover, where the dismissal was-not that the plaintiff/in that court acted in deliberate *willful disobedience* of a courts order.
Cushman & Wakefield of Florida, Inc. v. Hughes 645 So. 2d 1091, 1092 Fla. App. 4 Dist.
4. There is no evidence, which the plaintiff/appellant by missing Pre-trial conference, or did- or did-not do, was in willful disobedience of a court order. The court fail to make a finding of willful disregard of the tribunal's discovery orders.
Jalil v. Merkury Corp. 683 So 2d 161, 161 Fla.App. 3 Dist. The trial court abuse discretion in opposing the sanction. *The Fifth District*, after receiving the record from the tribunal, and demanding payment of fees, that informal pauperism is denied, should be an abuse of discretion which a review "*with an elaborated opinion should have resulted*".

ARGUMENT

5. Note: Although, the Appellant, in this case, is aware however, that with/ or without a "paid" case a court review is never certain.
6. The dismissal for Non-compliance did not rise to the level of a disobedience warranting a severe sanction of dismissal. Sullivan v. Communications, Concepts and Investments, Inc. 874 So. 2d 1214, 1215, Fla. App. 4 Dist.
7. The abuse of discretion in the tribunal, although improper, at the very least, the honorable Florida Fifth District Ct, should have reviewed the case.
The Florida Rules of Appellate Procedure FRAP Rule 9.030, (b). Jurisdiction of Courts

REASONS FOR GRANTING THE PETITION

1. The above style caption does not relate to frivolous case, or claim.
2. The case initially partial settle by Registered Agent of Orlando Health
3. The registered agent and or (Chief financial officer) which represent the defendants Orlando Health, agree to settlement, with written documents base on injuries to the appellant, ("Bell").
4. This authorized representative "Retired" where settlement would complete, upon receiving the appellants medical records, for verification.
5. The incoming registered agent, (Mildred Beam) fail to honor, the agreement on behalf of the outgoing representative, which this case is file.
6. The registered agent for Orlando Health, until retirement held legal power as the agent spokesperson for the defendants, Orlando Health.
7. The Fifth District Court of Appeals/ review the above caption with a "Three Judge Panel" **However**, the three-judge panel is without elaborated opinion, which would entitle redress by the next court of jurisdiction. (Florida Supreme).
8. "All" judges of a circuit have-not reviewed the decisions in this case, and or participated, and the legal issues have not been fully argued, and or exhaustively considered. There has been "No-combined Circuits", on this case, which is wrongly dismiss, without opposing argument of the appellant.
9. Amicus Curiae briefs are normally submitted on behalf of the appellant, which to discourage the appellant's filings, and to prohibit opportunity of the right to redress.
10. The outcome from the tribunal court is contrary to the Courts ideological composition. the affirmance of the "Florida Fifth District" remove the opportunity to redress, which there is not an elaborated opinion. Moreover, this court, (USSC) rarely address "Informa Pauperism" Petition/Complaint.
11. The appellant file a writ of Certiorari, request base on the legal agreement, between company representative, as registered agent, and Orlando Health, which agree to compensate for injuries to the appellant.
12. Almost all cases heard and ultimately decided by this United States Supreme Court, come to the court after, it has granted a petition for Certiorari, "A Writ is granted by the court at its discretion".

REASONS FOR GRANTING THE PETITION

13. The writ of Certiorari generated in 1891, ch. 517, 26 Stat. 826 (1891). However not a major vehicle until Judiciary Act of 1925, ch. 229, 43 Stat. 936 (1925). After great impact of which extended the courts discretionary appellate jurisdiction, congress enacted legislation in 1988 which eliminated all mandatory appeals, Except those from three judge District courts. Act of June 27, 1988, Pub. L. No. 100-352, 102 Stat. 662.
14. The appellants appeal, is a review by three-judge district court. The Florida Fifth District, and their decision is without an "*elaborated*" opinion. The Fifth District also cited jurisdiction issue. Moreover, fail to issue an elaborated opinion, the decision of the Florida Fifth District, to waive opinion, obstructs the opportunity guaranteed by the United States Constitution which provide the Due Process right to redress, Const. Amend. 1
15. In order to preserve internal tranquility, that there should be some tribunal to decide between the Government of the United States and the Government of a state, whenever any controversy should arise as to their relative and respective powers in the common territory.

"The Supreme Court was created for that purpose"

The "Avenue of Redress", when moving from the tribunal court, located 425 North Orange Ave. in Orl. has been closed for years, it seems when case and controversy relate to the Plaintiff /Appellant, ("Bell") there is no proper relief according to the U.S. Constitution, and Florida law. The cause relate to one "trier of fact", who reside over a bitter foreclosure, and who the decision to reside over every case that relate to the plaintiff, that it is opportunity to deny justice or the avenue of redress. The conflict that dates back to relatives, or personal grievances, with other possibly related family members. The matter, affects each cause in the tribunal where the opportunity of redress is not an option. Further, the next level of jurisdiction somehow, normally seems to circumvent the cause, after receiving funds from an indigent plaintiff. The plaintiff, repeatedly request relief, and address the matter, long ago. However, the tribunal is incapable of relief. *Wherefore*, the appellant can only hope to receive Constitutional Redress, Due Process, and Equal Protection of the law, where hopefully there is no bias. The right to redress should be afforded, which is guaranteed rights to every US Citizen, provided by the United States Constitution.

See: The Supreme Court of the United States, Its History and Influence on Our Constitutional System (1890) By, Westel W. Willoughby;
Gordon v. United States (1864), 117 U.S. App. 700-701.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Renee Denise Bell

Date: 09/10/2018