

18-7749

No. _____

Supreme Court U.S.
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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ADA A. GONZALEZ

— PETITIONER

(Your Name)

vs.

TYFFANY COLEMAN, AND/OR CLERK OF THE COURT
DOMESTIC RELATIONS AT ~~SEMINOLE COUNTY COURT~~, — RESPONDENT(S)
ALFREDO E. GONZALEZ

ON PETITION FOR A WRIT OF CERTIORARI TO

STATE OF FLORIDA FOR THE EIGHTEENTH JUDICIAL CIRCUIT COURT
APPELLATE DIVISION, SEMINOLE COUNTY, FLORIDA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ADA A. GONZALEZ

(Your Name)

PO BOX 11092

(Address)

TALLAHASSEE, FL 32302

(City, State, Zip Code)

(917) 551-0272

(Phone Number)

QUESTIONS PRESENTED

- (1) Whether the Supreme Court of Florida unjust delay of ninety seven (97) days from the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Appellate Division decision of dismissal dated July 27, 2018 denied Petitioner, who is a *pro se* litigant, to her access for certiorari review.
- (2) Whether the U.S. Supreme Court has the authority to reverse the Supreme Court of Florida decision of dismissal dated November 1, 2018 and afford Petitioner review, reverse of the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Appellate Division decision of dismissal dated July 27, 2018.
- (3) Whether the Supreme Court of Florida Order dated November 1, 2018 departed from the essential requirements of law, and such unjust delayed action denied Petitioner of her Constitutional right of access to the Court.
- (4) Whether the U.S. Supreme Court has the authority under the extraordinary circumstances presented, to issue an order or reinstate Petitioner Petition for Writ of Mandamus directed to the State of Florida Clerk of the Court, for the State of Florida Clerk of the Court to accept Petitioner's motions as *pro se* litigant in all her legal matters.
- (5) Whether Petitioner's relief should be granted.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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 judgment is the subject of this petition is as follows:

GRANT MALLOY, CLERK

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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.

XX 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 _____; or,
[] has been designated for publication but is not yet reported; or,
XX is unpublished.

The opinion of the Eighteenth Judicial Circuit Court Appellate Division court appears at Appendix B to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
XX is unpublished.

1.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was NOVEMBER 1, 2018 _____.
A copy of that decision appears at Appendix __ A _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. section 1257 (2018):

(a) [f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, any commission held or authority exercised under, the United States.

Article III section 2, U.S. Const.

(a) "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between s State, or the Citizens thereof, and foreign States, Citizens or Subjects.

(b) In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

(c) The Trial of all Crimes, except in Cases of Impeachment, shall be by jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

Art. XIV, section 1, U.S. Const.:

"[A]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State

deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article VI, U.S. Const.

"...This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

Amend. I, U.S. Const., guarantee the right 'to petition the government for redress of grievances'.

28 U.S.C., section 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction

28 U.S.C. section 1654, "Appearance personally or by counsel":

"[I]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."

28 U.S.C., section 1653, Amendment of pleadings to show jurisdiction.

"Defective allegations of jurisdiction may be amended, upon terms, in trial or appellate courts."

28 U.S.C., section 2104 Review of State court decisions

"A review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall

have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States."

28 U.S.C., section 2106 "Determination:"

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

28 U.S.C., section 2104 Review of State court decisions.

"A review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States."

28 U.S.C., section 1657, "Priority of Civil Actions:"

"(a) [N]otwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause thereof is shown. For purposes of this subsection, "good cause" is shown if a right under the Constitution of the United States or a Federal Statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedite consideration has merit

(b) The Judicial Conference of the United States may modify the rules adopted by the courts to determine the order in which civil actions are heard and determined, in order to establish consistency among the judicial circuits."

42 U.S.C., section 1981, Equal rights under the law.

(a) Statement of Equal Rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licences, and exactions of every kind, and to no other.

(b) "Make and Enforce Contracts" Defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protections against Impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under of State law."

42 U.S.C., section 1982 --Property rights of citizens.

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

42 U.S.C., section 1985—

".....in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Art. I, § 21, Fla. Const.(2018):

Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Art. V, § 2, Fla. Const. (2018):

Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

STATEMENT OF THE CASE

This case arises out of Petitioner Ada A. Gonzalez, ("Petitioner") decision of the State of Florida for the Eighteenth Judicial Circuit Court Domestic Clerk, ("Respondent") of the Court of rejection of Petitioner's motion for relief filed as *pro se* litigant on Petitioner's *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002), around August 2, 2017.

Petitioner filed a Petition for Writ of Mandamus that created a question of federal jurisdiction at the onset of this proceedings. Petitioner's Petition for Writ of Mandamus was directed to the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida, Clerk of the Court, Domestic Relations Division or Clerk Tyffany Coleman, who rejected Petitioner's motion for relief as *pro se* litigant on Petitioner's State of Florida Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002). Petitioner raised issue of Federal law claiming that the trial court failed to consider that the State of Florida in Seminole County Domestic Division Clerk of the Court erred in utilizing a void and null order as a legal grounds to reject Petitioner's motion for relief as *pro se* litigant and that Petitioner has the legal right of representing herself without the burden of a Florida Bar attorney pursuant federal statute: 28 U.S.C. section 1654. Petitioner properly raised the operative facts and the controlling legal principles regarding the

sufficiency in support for the Petition for Writ of Mandamus under Federal law and Constitutional law.

The Petition for Writ of Mandamus became the case at hand originally named: *Ada A. Gonzalez vs. Tiffany Coleman, and/or Clerk of the Court Domestic Relations at Seminole County Court, Alfredo E. Gonzalez*, filed pursuant Fla. R. Civ. P. 1.630.

On Oct. 6, 2017 the court changed the caption of the "Petition for Writ of Mandamus" on the decision of denial as: *Ada A. Gonzalez vs Clerk of the Courts - Domestic Relations -Seminole County Court, et al.* 17-29-AP, (Fla. 18th Jud. Cir. Ct. 2017) (App. C). On Oct. 17, the State of Florida denied the Petitioner's motion for rehearing, (App. D).

Petitioner discovered the lack of jurisdiction and filed a motion for relief under Fla. R. Civ. P. 1.540(b)(4) around June 20, 2018, which the State of Florida Appellate Division Judge dismissed on July 27, 2018, (App. B), without giving Petitioner an opportunity to correct the defects, in violation of due process, without a hearing to correct the issue of lack jurisdiction of the petition pursuant 28 U.S.C. section 1653.

The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge erred as the legal grounds for the decision of dismissal order dated July 27, 2018 are not binding in any U.S. Court as the order that enjoins Petitioner from filing as *pro se* litigant was obtained in the State

of Florida in complete absence of jurisdiction. However, the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge' decision of dismissal order dated July 27, 2018 presents a Federal claim.

Petitioner appealed the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge dismissal order dated July 27, 2018, (App. B) to the Supreme Court of Florida by filing, as *pro se* litigant, a "Petition to invoke "all writs" jurisdiction on August 20, 2018. The Supreme Court of Florida delayed its decision of dismissal for lack of jurisdiction under *Ada A. Gonzalez vs. Grant Maloy, Clerk*, SC18-1358, (Fla. Nov. 1, 2018), (App. A). Petitioner's state remedies were thus exhausted in three different State court levels.

A. The State of Florida Court Failed to Consider That Petitioner is entitled as a matter of law for relief of all void the Orders.

Petitioner's Florida Bar attorneys fully paid by Petitioner, on Petitioner's State of Florida for the Eighteenth Judicial Circuit Court, in Seminole County Florida Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002), failed their fiduciary duty and failed to disclose Petitioner of the lack of jurisdiction over Petitioner's Domestic Relations case leaving Petitioner stranded as *pro se* litigant in the state court while Petitioner's former husband fabricated a void obtained by fraud final judgment for attorney's fees of over eighty three thousand dollars.

The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Domestic Division, on July 11, 2013, under Petitioner's State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) rendered an order that allowed Petitioner's, Florida Bar Number 152455, attorney, Mr. Anthony J. Diaz, Esq. ("Diaz") from The Law Firm of Anthony J. Diaz, P.A., whose address is 201 East Pine Street, Suite 445, Orlando, Florida 32801, to be discharged as Petitioner's attorney, from Petitioner's Domestic Relations case *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002), in regards of Petitioner's Objections. Petitioner's Florida Bar attorney Diaz was fully paid in advance a retainer for the amount of ten thousand (\$10,000.00), U. S. dollars. Attorney Diaz did not return the ten thousand (\$10,000.00) U.S. dollars retainer to Petitioner, (App. H)

Petitioner proceeded in her legal matters, as *pro se* litigant, after the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida, Domestic Relations case *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) Order that discharged attorney Diaz from Petitioner's State of Florida for the Eighteenth Judicial Circuit Court in Seminole County, Florida Domestic Relations case *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002). Petitioner, who is not an attorney, never suspected or was

informed by attorney Diaz of the State of Florida' lack of jurisdiction on Petitioner's State of Florida for the Eighteenth Judicial Circuit Court in Seminole County, Florida Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002).

Petitioner's recently discovered that the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County, Florida Domestic Relations case *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) lacks jurisdiction from the inception of Petitioner's "Petition for Dissolution of Marriage" dated around April 22, 2000 as result of lack of service of process over Petitioner's former husband, there is no record of Petitioner's former husband attending court hearings and that the record lacks the State of Florida statutory jurisdictional requirement of law pursuant § 61.052, Fla. Stat. (2002). On April 21, 2016, the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida, under the Petitioner's State of Florida, Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) rendered a void Order in complete absence of jurisdiction and without due process an order that enjoins Petitioner from filing as *pro se* litigant in all legal matters, (App G)¹. Petitioner, as *pro se* litigant, files the motion for relief of the order that denies Petitioner her legal right to represent herself as *pro se* litigant. The State of Florida for the Eighteenth

¹ In case *Mitchell v. Moore*, 786 So.2d 521 (Fla, 2001) held: "To find a violation of the right under the state constitution to access the courts, it is not necessary for the statute to produce a procedural hurdle which is absolutely impossible to surmount, only one which is significantly difficult."

Judicial Circuit Court in Seminole County Florida, Domestic Relations Clerk of the Court rejects Petitioner's motion for relief² utilizing the void order that enjoins Petitioner from filing as *pro se* litigant, under Petitioner's *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002). Every order that stems from Petitioner's *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) domestic relations case is a void and unauthorized by the U.S. Constitution and above the scope of authority afforded by the Constitution of the State of Florida to the State of Florida Court. Petitioner is entitled as a matter of law for relief on all void orders at the State of Florida.

B. Petitioner Pursued A Petition for Writ of Mandamus For The State Of Florida Clerk of the Court to execute the Ministerial Act of Accepting Petitioner's Motions for Relief As Pro Se Litigant Pursuant 28 U.S.C. 1654.

Petitioner's "Petition for Writ of Mandamus" dated Aug. 30, 2017, Petitioner expressly asked for the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge to uphold Petitioner's U.S. Constitutional rights and that Petitioner has the right to represent herself pursuant federal statute 28. U.S.C. section 1654. In that same Petition for Writ of Mandamus, Petitioner relied on Art. I, § 21, Fla. Const., (2017) and on the Supreme Court of Florida case *Vilsack v. General Commercial Securities Corporation*, 106 (Fla. 296) holding:

² Petitioner erred as the motion was filed under Fla. R. Civ. P. 1.540(b)(4), instead of Fla. R. Fam. L. R. P. 12.540(b)(4), dated Aug. 2, 2017. However, Petitioner invoked the lack of jurisdiction at all times.

“The Bill of Rights to the State Constitution provides that ‘right and justice shall be administered without sale, denial or delay.’ Section 4, Declaration of Rights, State Const.”

The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge’s denied the Petition for Writ of Mandamus on Oct. 6, 2017, (App. C). Petitioner filed a motion for rehearing which informed the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge of Petitioner’s rights under Amend. XIV. U.S. Const. and the State of Florida for Seminole County Circuit Court in Seminole County Florida. The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge denied Petitioner’s motion for rehearing on Petitioner’s initial “Petition for Writ of Mandamus” on Oct. 17, 2017, (App. D).

Petitioner, as *pro se* litigant, erred on the Caption of her initial “Petition for Writ of Mandamus” dated Aug. 30, 2017 as to include Petitioner’s State of Florida for the Eighteenth Judicial Circuit Court, Domestic Relations case: *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. 2002). Petitioner was not given the opportunity to be heard or the opportunity to correct the defects on the jurisdiction pursuant 28 U.S.C. section 1653. Therefore, Petitioner’s “Petition for Writ of Mandamus” Caption of the case erroneously attaches the lack of jurisdiction over, from Petitioner’s domestic relations case number *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. 2002). Petitioner unaware of

the effect on appeal of the lack of jurisdiction, Petitioner proceeded to appeal the state of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge denial order dated Oct. 6, 2017 to the Fifth District Court of Appeal which the lower court's Appellate Division Oct. 6, 2017, denial order was affirmed on Dec. 19, 2017, (App. E) followed by a voluntary appellate dismissal, on June 5, 2018, (App. F).

Petitioner filed at the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division a "Motion for Relief under Fla. R. Civ. P. 1.540(b)(4)" dated June 20, 2018 on newly discovered legal grounds of lack of jurisdiction for the Appellate Division Judge's void orders dated Oct. 6, 2017 and Oct. 17, 2017, on the Petitioner's "Petition for Writ of Mandamus" case: *Ada A. Gonzalez vs Clerk of the Courts -Domestic Relations -at Seminole County Court* case number: 17-29-AP. Petitioner's motion for relief seeks relief of the void denial orders, to reinstate and to correct the jurisdiction on the "Petition for Writ of Mandamus". Petitioner's motion for relief under Fla. R. Civ. P. 1.540(b)(4) on Petitioner's "Petition for Writ of Mandamus" dated June 20, 2018, was dismissed by the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge on July, 27, 2018 (App. B), without due process, notice or hearing. Therefore, the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge failed to uphold the U.S. Constitution, Art. VI, U.S. Const., Amend. XIV, section 1, U.S. Const. and

denied Petitioner the equal protections of the laws pursuant 42 U.S.C. section 1981(1).

C. The Supreme Court of Florida is in violation of the Constitution of the State of Florida Article V, Section 21 by Delaying Petitioner's Petition's Order of Decision of Dismissal on State Procedural Grounds for Ninety Seven Days From the Highest Court Order State of Florida for the Eighteenth Judicial Circuit for Court Appellate Division Order of Dismissal to Prevent Petitioner from Presenting Her Cause for the United States Supreme Court Writ of Certiorari Review Pursuant to the Supreme Court Rule 13(1).

The dismissal of Petitioner's "Motion for Relief under Fla. R. Civ. P. 1.540(b)(4)" dated July 27, 2018, from the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Court Appellate Division Order includes a written "opinion" of legal grounds from which the Appellate Division Judge's relied for such dismissal and erroneously utilized the void order from Petitioner's State of Florida for the Eighteenth Judicial Circuit Court, Domestic Relations case *Ada Luisa Albors Sanchez Gonzalez vs. Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) that the State of Florida for the Eighteenth Judicial Circuit Court, Domestic Division, Judge rendered around April 21, 2016, (App. G). The void Order that enjoins Petitioner from filing as *pro se* litigant, is the very same order that Petitioner seeks relief by the issuance of the writ of mandamus so the State of Florida Clerk of the Courts would accept the Petitioner's motion for relief, or to file a new petition for the relief that Petitioner is entitled as matter of law.

On Aug. 10, 2018, to fulfill the Supp. Ct. R. 13(1), Petitioner, as *pro se* litigant, files at the Supreme Court of Florida a Petition to invoke “all writs” jurisdiction under Art. V, § 3(b)(7), Fla. Const., Art. V, § 3(b)(8), Fla. Const. and Fla. R. App. P. 9.030(a)(3). Unexpected, the Supreme Court of Florida delay its decision in violation of Art. I, § 21, Fla. Const., (2018) and rendered a decision of dismissal for lack of jurisdiction on Nov. 1, 2018, (App. A). The decision of dismissal for lack of jurisdiction from the Supreme Court of Florida Order complies with the Sup. Ct. R. 13(1), is a void order and is in violation of the Art. V, § 2, Fla. Const., (2018): “the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked.”

Petitioner seeks review to challenge the unjust delay of the Supreme Court of Florida decision of dismissal dated Nov. 1, 2018, (App. A) for lack of jurisdiction rendered from the State of Florida for the Eighteenth Judicial Circuit Court Appellate Division Judge’s dismissal order with written opinion dated July 27, 2018 and the reversal of all orders. The Supreme Court of Florida delayed its decision of dismissal to run the time allowed under 28 U.S.C. 1651(1) from the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge decision of dismissal on the merits dated July 27, 2018, (App. B).

The Supreme Court of Florida abuse its discretion in failing to uphold the United States Constitution, the Art. VI, U.S. Constitution, Art. XIV section 1, U.S. Const., the Constitution of the State of Florida, Art. I, § 21, Fla. Const. (2018), Art. V, §2, Fla. Const., (2018), and the Supreme Court of Florida is in violation of 42

U.S.C. section 1981(1). Therefore this is a civil action which merits resolution upon good cause shown pursuant 28 U.S.C. section 1657.

REASONS FOR GRANTING THE PETITION

A. The Supreme Court of Florida Order Dated November 1, 2018 Departed from the Essential Requirements of Law, and Such Delayed Action Denied Petitioner of her Constitutional Right of Access to the Court.

Federal law provides for certiorari review by the United States Supreme Court of:

(a) [f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, any commission held or authority exercised under, the United States.

28 U.S.C. section 1257, (2018). The Supreme Court of Florida decision that Petitioner's state timely "Petition to invoke "all writs" jurisdiction" filed on Aug. 20, 2018 and the unjust delay for decision of dismissal was rendered on Nov. 1, 2018, holding:

"The petition to invoke all writs jurisdiction is dismissed for lack of jurisdiction because the petitioner has failed to cite an independent basis that would allow the Court to exercise its all writs authority and no such basis is apparent on the face of the petition. See Williams v. State, 913 So. 2d 541, 543-44 (Fla. 2005); St. Paul Title Ins. Corp. v. Davis, 392 So. 2d 1304, 1305

(Fla. 1980). Any motions or other requests for relief are denied. No motion for rehearing or reinstatement will be entertained by this Court." (App. A)³.

On June 20, 2018, Petitioner's filed a motion for relief for lack of jurisdiction under Fla. R. Civ. P. 1.540(b)(4). The Fla. R. Civ. P. 1.540(b)(4) says:

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, decree, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing; (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) that the judgment or decree is void; or (5) that the judgment or decree has been satisfied, released, or discharged, or a prior judgment or decree upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment or decree should have prospective application.

The definition of a "void" according to Black's Law Dictionary, Tenth Edition, and page 1805 appears as:

void, adj. 1, Of no legal effect; to null. The distinction between *void* and *voidable* is often of great practical importance. Whenever technical accuracy is required, *void* can be properly applied only to those provisions that are of no effect whatsoever—those that are an absolute nullity.—*void, avoid, vb—voidness, n.*

The State of Florida Administrative Judge' dismissal order first sentence says:

"THIS MATTER came before the Court for consideration upon Ada A. Gonzalez' "Amended Petitioner's Motion for Relief under Rule 1.540(b)(4)," filed on June 20, 2018." (App. B).

³ The Supreme Court of Florida Nov. 1, 2018 decision of dismissal included an additional sentence as to "this Court shall not to accept Petitioner's motions as *pro se* in this court." The Supreme Court of Florida redacted the Nov. 1, 2018 order *sua sponte*.

On July 27, 2018, The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge's dismissal order utilized as legal grounds based on the void order that enjoins Petitioner from filing as *pro se* litigant dated April 21, 2016, (App. G), which is a decision based on federal legal grounds. This court held in *Burnham v. Superior Court of California, County of Marin*, 495 U.S. 604 (1990) that "judgment of a court lacking jurisdiction is void"

Petitioner, as *pro se* litigant, in order to follow this U.S. Supreme Court rule: Supp. Ct. R. 13(1), waited patiently for the Supreme Court of Florida decision which was rendered ninety seven (97) days from July 27, 2018 written order from the State of Florida for the Eighteenth Judicial Circuit Court' Appellate Division Judge. Therefore, there is a conflict between the Supp. Ct. R. 13(1) and a state decision of the highest court in which the dismissal could be had for this court's review pursuant 28 U.S.C. section 1257 and 28 U.S.C. section 1651(1) and Petitioner should not be penalized for following the rules of court and at the same instant reward the Supreme Court of Florida for manipulating the jurisdiction and failing to follow their own laws and rules in these proceedings to prevent this Court's certiorari review to obstruct the due course of justice.

The Supreme Court of Florida actions were calculated as the initial order included 1) the Federal grounds of deprivation of the equal protections of the laws as included a sentence where abridged Petitioner's federal right to represent herself which is at par with the legal grounds from the State of Florida for the Eighteenth Judicial Circuit Court' Appellate Division Judge's decision of dismissal dated July

27, 2018, then *sua sponte* redacted such sentence where abridged Petitioner's federal right to represent herself, and 2) the Supreme Court of Florida decision of dismissal rest on state procedural grounds, different from the State of Florida for the Eighteenth Judicial Circuit Court' in Seminole County Florida Appellate Division Judge's legal grounds to prevent Petitioner from fully and fairly present her claims to this Court in the case at hand and all other Petitioner's pending legal matters. Regardless of the Supreme Court of Florida' calculated actions and regardless of the State of Florida for the Eighteenth Judicial Circuit Court' in Seminole County Florida Appellate Division Judge's written legal grounds for its decision of dismissal rendered July 27, 2018, both dismissal orders are void orders for lack of jurisdiction.

The Supreme Court of Florida fails as neither denies or grants Petitioner's Petition to invoke "all writs" jurisdiction. The Supreme Court of Florida is a "dismissal order" that rest on state legal grounds of lack of jurisdiction which are the same state legal grounds on Petitioner's motion for relief under Fla. R. Civ. P. 1.540(b)(4) filed at the State of Florida for the Eighteenth Judicial Circuit Court' in Seminole County Florida Appellate Division on June 20, 2018 which were erroneously dismissed on July 27, 2018, and dismissed again at the State's highest court. The jurisdiction of Fla. R. Civ. P. 1.540(b)(4) stems from Art. V, § 2, Fla. Const., (2018), which stems from the Art. III, section 1, U.S. Const. and Art. III, section 2, U.S. Const., stemming from the U.S. Declaration of independence and common law.

The Supreme Court of Florida acted in a manner contrary to the proper administration of justice in wanton disregards of Petitioner's legal rights. Petitioner relied on the requirement of the Supreme Court Rule 13(1) and the 28 U.S.C. section 1257(a). Petitioner received repeated injury by the State of Florida Court to prevent Petitioner from exercising her legal right of representing herself pursuant 28 U.S.C. section 1654 and to prevent Petitioner from exercise her legal constitutional right to petition this Court for writ of certiorari review in this case and the pending legal malpractice case ripe for this court's review case: *Ada Albors Gonzalez vs. William M. Stern, Norman D. Levin and Jennifer L. Sloane*, SC18-0913, (Fla. Dec. 1, 2018)⁴.which has been obstructed by the same Order dated April 21, 2016 obtain in complete absence of jurisdiction, (App. G).

Petitioner, as *pro se* litigant, has met the requirements for the U.S. Supreme Court review on the merits of her claims for certiorari review as Petitioner obtained a dismissal order from the highest state court and this petition is sought within ninety (90) days of such order. Petitioner has met the requirement for the U.S. Supreme Court certiorari review as the State of Florida Courts decisions invalidates or denies Petitioner's properly claimed rights under 28 U.S.C. section 1654 for all legal matters.

In reaching the erroneous decisions, despite the U.S. Constitution, Art. VI, U.S. Const., and authority conferred by the U.S. Congress, establishes that the State of Florida Court is "authorize" to take away Petitioner's legal right to

⁴ Petitioner is in the process of finalizing the Petition for Writ of Certiorari as *pro se* litigant.

represent herself as *pro se* litigant, in all legal matters, and that such state action can be taken by the state court in complete absence of jurisdiction in violation of the Amend. XIV, section 1, U.S. Const. at any time, in violation of due process and without notice or opportunity to be heard. The national importance of having the U.S. Supreme Court decide the question involved lies in this paragraph as the State of Florida should not have the authority to take away a litigant's the legal right of representing herself in complete absence of jurisdiction and then be allowed such unauthorized calculated action to interfere with the due course of justice.

The State of Florida Courts actions denied Petitioner the equal protections of the laws as it denied the validity of the Art. VI, U.S. Const., the validity of Amend. XIV, section 1, U.S. Const., the validity of 28 U.S.C. section 1654, (2018), the validity of 59.041, Fla. Stat., (2018), the validity of Art. I, § 2, Fla. Const., (2018), Art. I, § 21, Fla. Const., (2018) and the validity of Fla. R. Civ. P. 1.540(b)(4). This Court in *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508 (1972) reversed the dismissal of the action and certiorari was granted.

The Supreme Court of Florida order dated Nov. 1, 2018 invalidates the 28 U.S.C. section 1654, that establish the "Appearance personally or by counsel":

"[I]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."

The Supreme Court of Florida order dated Nov. 1, 2018 invalidates the U.S. Art. XIV, section 1, U.S. Const.:

“[A]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Petitioner is a minority U.S. citizen, entitled to the equal protection of the laws and to conduct her own cases personally by the rules of such courts and such privilege under 28 U.S.C. section 1654⁵ was taken away by the State of Florida in complete absence of jurisdiction and in violation of due process. The State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Clerk of the Court rejected Petitioner’s motion for relief filed as *pro se* litigant in wanton disregard of Petitioner’s rights and in excess of the jurisdiction afforded to the State of Florida courts by the U.S. Constitution, Federal Laws and U.S. Congress.

Petitioner invokes that the State of Florida court orders are in violation of Petitioner’s equal protections of the laws under 42 U.S.C. section 1981(1), protected under 42 U.S.C. section 1981(3), and liable under 42 U.S.C. section 1985. Petitioner respectfully request the U.S. Supreme Court certiorari review pursuant 28 U.S.C. section 1651(a) (2018) or 28 U.S.C. section 1651(b) (2018) and Sup. Ct. R. 13(1).

Petitioner, in addition to the above statutes and constitutional provision, Petitioner relies on following the U.S. Constitution provisions and Federal Statutes

⁵ *Bachellar v. Maryland*, 397 U.S. 564 (1970), it says: “When a claim of constitutionally protected right is involved, it remains the Supreme Court’s duty to make an independent examination of whole record”,

in this petition for certiorari review: Article VI, U.S. Const., 28 U.S.C., section 2104 and 28 U.S.C section 2111.

Petitioner, as *pro se* litigant, is entitled as a matter of law for the relief of all void orders rendered by the State of Florida Courts, which includes the Supreme Court of Florida dismissal order dated Nov. 1, 2018, the lower court Administrative Judge's dismissal order dated July 27, 2018, the lower court Administrative Judge's denial orders dated Oct. 6, 2017 and Oct. 17, 2017 and to the reinstatement of the "Petition for writ of Mandamus" and the issuance of a writ of mandamus directing the State of Florida Clerk of the Court to execute the ministerial act of accepting Petitioner's pleadings and motions as *pro se* litigant⁶. Petitioner is entitled to correct her "Petition for Writ of Mandamus" of any defect on jurisdiction under 28 U.S.C. section 1653 or to file a new Petition as *pro se* litigant. Petitioner is entitled as matter of law to represent herself as *pro se* litigant pursuant 28 U.S.C. section 1654.

The State of Florida for the Eighteenth Judicial Circuit Court' in Seminole County Florida Appellate Division and the State of Florida Fifth District Court of Appeal inability to reverse, vacate or set aside such void orders and the unjust delay of the Supreme Court of Florida decision of dismissal of Petitioner's "Petition to invoke "all writs" Jurisdiction" unequivocally has deprived Petitioner of the equal protection of the laws, Petitioner's constitutional right to access to the courts and

⁶ In case *Reeside v. Walker*, 52 U.S. 272 (1850) held: "though mandamus may sometimes lie against a ministerial officer to do some ministerial officer to do some ministerial act connected with liabilities of government, it must be where the government itself is liable, and the officer himself has improperly refused to act, and even then it must be in a case clear, and not doubtful, right."

Petitioner's protected U.S. Constitutional rights under Amend. XIV, section 1, U.S. Const. and Petitioner's protected rights under Federal Statutes 28 U.S.C. section 1654, 28 U.S.C. section 1653 and 42 U.S.C. section 1981(1).

The State of Florida lack of jurisdiction over Petitioner's legal case, denial of justice and unjust delays also provides good cause for the U.S. Supreme Court expedite determination pursuant 28 U.S.C., section 1657, "Priority of Civil Actions."

"(a) [N]otwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause thereof is shown. For purposes of this subsection, "good cause" is shown if a right under the Constitution of the United States or a Federal Statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedite consideration has merit

In the State of Florida, the Fla. R. Civ. P. 1.630 affords the injured litigant to petition the State's Circuit Court's Appellate Division Judge with the filing of a "Petition of Writ Mandamus" see case: *Schlagenhauf v. Holder*, 379 U.S. 104 (1964) held: "the writ of mandamus is appropriately issued when there is usurpation of judicial power or a clear abuse of discretion". Petitioner, as *pro se* litigant, followed the Fla. R. Civ. P. 1.630.

The Supreme Court of Florida unjustly delayed the decision until ninety seven (97) days from the State of Florida for the Eighteenth Judicial Circuit Court in Seminole County Florida Appellate Division Judge's dated July 27, 2018 decision

of dismissal for lack of jurisdiction⁷. As direct result of the State of Florida Courts void orders, Petitioner finds herself unable to redress the harm caused by Petitioner's attorney's legal malpractice and unable to obtain relief of void orders at the State of Florida Courts. Petitioner respectfully request treatment pursuant 28 U.S.C. section 2106 of upon good cause shown to procure injunctive relief or the issuance of the appropriate writ on the merits of Petitioner's State of Florida claims well preserved in this case as Petitioner has cited a specific constitutional provision, relied on federal constitutional provision and claimed the right to proceed as *pro se* litigant under 28 U.S.C. section 1654 and her legal rights under Amend. XIV, section 1, U.S. Const. which are constitutionally protected. In the interest of justice Petitioner respectfully request treatment pursuant 28 U.S.C., section 2106

"Determination:" This Court in case *Davis v. Wechsler*, 263 U.S. 22 (1923) held:

"The United States Supreme Court cannot accept as final the decision of a state tribunal as to what are the facts alleged to give rise to a federal right, or to bar the assertion of it, even on local grounds." In addition *Davis* held: "Local practice will not be allowed to defeat or to put unreasonable obstacles in the way of a plain and reasonable assertion of federal rights."

Petitioner has become hostage of the obstruction of justice of the State of Florida void orders that stems from Petitioner's *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002). The Judge that is assigned on Petitioner's case *Ada Luisa Albors Sanchez Gonzalez vs Alfredo Ernesto Gonzalez*, No.:2000-DR-1898-02, (Fla. 18th Jud. Cir. Ct. 2002) has failed to recuse himself and is in default of the State of Florida then Chief

⁷ In case *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) it says: "certiorari was granted to review dismissal of mandamus and prohibition petitions by the Virginia Supreme Court.

Judge John D. Galluzzo Administrative Order 15-57-S⁸ dated Dec. 1, 2015, in direct violation of Fla. R. Jud. Admin. 2.215(h)⁹. The State of Florida Court has denied Petitioner access to the court and denied the equal protections of the laws. Petitioner's legal right pursuant 28 U.S.C. section 1654 does not condition or limits the *pro se* self-representation to a foreseeable lawful result. Petitioner is entitled as matter of law for the relief of all void orders and the U.S. Supreme should grant this extraordinary petition¹⁰ as a denial would cause irreparable harm and additional abuse from Petitioner former husband who have had superior knowledge of the law, as there is no other remedy available at the State of Florida courts.

CONCLUSION

⁸ The State of Florida for the Eighteenth Judicial Circuit, Chief Judge, Administrative Order 15-57-S, dated December 1, 2015 says:

"The Court having determined that Judge Michael J. Rudisill should not hear cases in which any attorneys from the Law Firm of Norman D. Levin, Bar Number 213322 appears, it is ORDERED that all pending or newly filed cases in which any attorneys from the Law Firm of Norman D. Levin, Bar Number 213322 appears as attorney o record shall be reassigned to the next judge in rotation pursuant to pending o existing administrative orders. DONE and ORDERED this 1st day of December, 2015.

JOHN D. GALLUZZO
CHIEF JUDGE.

⁹ The State of Florida Fla. R. Jud. Admin. 2.215(h) says that the failure of any judge to comply with an order of the chief judge shall be considered neglect of duty.

¹⁰ Section 13 of the 1789 Judiciary Act, 1 Stat. 73, provided:

"the Supreme Court shall also have appellate jurisdiction from circuit courts and courts of several states, in the cases herein after specially provided for; and shall have powers to issue writs of prohibition to the district courts, when proceedings as courts of admiralty or maritime jurisdiction, and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States."

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Date: January 28, 2019

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ada A. Gonzalez".

Ada A. Gonzalez, Petitioner
As pro se litigant
PO BOX 11092
Tallahassee, FL 32302
(917) 551-0272
adagonzalez@live.co

APPENDIX A

**OPINION OF THE SUPREME COURT OF FLORIDA DISMISSAL ORDER OF
PETITIONER'S "PETITION TO INVOKE "ALL WRITS" JURISDICTION" DATED
NOV. 1, 2018.**