

18-8286
No. 18-8286

In the Supreme Court of the United States

ORIGINAL

Torres, Marco Manuel- Petitioner
(You're Name)

Vs.

Supreme Court, U.S.
FILED

MAY 07 2018

OFFICE OF THE CLERK

Judge Michael S. Williams- Respondent(s)

On petitioner for a writ of certiorari to

Florida Supreme Court

(Name of court that last ruled on merits of your case)

Petitioner for writ of certiorari

Torres, Marco Manuel

(Your, Name)

General Delivery

(Address)

Tampa, Florida 33675

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Question (s) presented

1. Whether, *Article 3, section 1, and 2*, of the United States Constitution, on doctrine central to the federal courts structural independence consists of the judicial powers to disregard an unconstitutional statutes.
2. Whether, separation of powers questions, at this is the narrower ground for adjudication of the constitutional questions in the case, because the date, due process submission if correct, might dictate a similar result in a challenge to state federal or constitution law, under the *14th amendment*.
3. Whether, the available authority from sister circuit persuades this court that such a result is in fact correct.
4. Whether, the Florida Supreme Court is in conflict with their own rules, and the rules of the United States Supreme Courts.
5. Whether, the panel of the Florida Supreme Court conflicts with a decision of the United States Supreme Court or of Court decision of which petition is addressed and with citation of the conflicting case or cases consideration by full court is therefore necessary to secure and maintain uniformity of courts decisions.
6. Whether, the lower courts, stands for the position that there is final agency conduct and appealment will be allowed a judicial review under purely legal and decisions making of abusive of powers to their conduct.
7. Whether, the lower courts has duty to not discriminate under *42 U.S.C. section 1985*, and purposely discriminate by violating petitioner civil right that is federally protected.
8. Whether, this Supreme Court, wants this Supreme Court to act if it were considering the questions for the first time affording no deference to the decisions of lower Judges and its legal decisions of lower court on questions of laws are reviewed using this standard.



A List of Parties to the proceeding in the court whose judgment is sought to be reviewed (unless the caption of the case contains the names of all the parties), and a corporate disclosure statement as required by rule 29.1

All parties in the caption of the case on the cover page.

If the petition prepared under Rule 33.1 exceeds 1,500 words or exceed five pages if prepared under 33.2, a table of contents and a table of cited authorities. The table of contents shall include items contained in the appendix.

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Massengale v. Ray, 267 F. 3d. @ 1298 (11th Cir. 2001).....	_____
Marbury v. Madison, 5 U.S. @ 1 (Cranch) 137 (1803)	_____
Textile v. Mills, 314 U.S. @ 326 (1947)	_____
Steffler v. U.S, 319 U.S. @ 38 (1943)	_____
McColloch v. Maryland, 17 U.S. @ 316 (1819)	_____
Hurtado v. California, 110 U.S. @ 516 (1884)	_____
Palko v. Connecticut, 302 U.S. @ 319 (1937)	_____

Statutes and rules

28 U.S.C. section 1915 (e), (2), (B),	<u>3</u>
Rule 11 of the Fed. R. Civ. P.,	<u>2</u>
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Other

7th Amendment	<u>9</u>
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In the United States petition for writ of certiorari

Petitioner respectfully prays that a writ of certiorari issue to review the judgment 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 designed 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 designed 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 _____; or,
 has been designated for publication but is not yet reported; or
 is unpublished.

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 writ of certiorari was granted to and including _____ (date) on _____ (date) In appendix No: _____.

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

For cases from state courts:

The date on which the highest state court decided my case was April 12, 2018

A copy of that decision appears appendix A.

A timely petition for rehearing was thereafter denied on the following date:

_____, and a copy of the order denying rehearing appears appears at appendix _____.

An extension of time to file petition for 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. section 1257 (a).



STATEMENT OF THE CASE

This case was dismissed. Florida Supreme Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation, or that merely cites to an authority that is not a case pending review in, or reversed or quashed by this Court. See, *Well v. State*, 132 So. 3d 1110 (Fla. 2014), *Jackson v. State*, 926 So. 2d 1262 (Fla. 2004), *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003), *Stallworth v. Moore*, 827 So. 2d 974, (Fla. 2002), *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987), *Dodi Publ'g Co. v. Editorial Am. S. A.*, 385 So. 2d 1369 (Fla. 1980), *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980); And Florida Supreme hears no motion for rehearing, or reinstatement will be entertained by the Court.

Constitutional and statutory provisions involved

1. Article 3, section 1 and 2, of the United States Constitution of America. (Judicial of review).
2. 14th Amendment of the United States Constitution of America, (Due process).
3. 1st Amendment of the United States Constitution of America (to redress the government)
4. 7th Amendment, of the United States Constitution of America, (to preserve a trial by jury)
5. Dartmouth College v. Woodwood, 17 U.S. @ 518 (1819).
6. Roe v. Wade, 314 F.Supp. 1217, 1273 (1979).
7. Brown v. Board of education, 347 U.S. @ 483 (1954).
8. McCulloch v. Maryland, 17 U.S. @ 316 (1819).
9. Marbury v. Madison, 5 U.S. @ 1(Cranch) 137 (1803).
10. Textile Mills v. Commissioner, 314 U.S. @ 326 (1941).
11. Steffler v. U.S, 319 U.S. @ 38 (1953).

CONFLCITING STATE SUPREME COURT DECISIONS WITH ANOTHER STATE SUPREME COURT

The Florida Supreme Court was erroneous has a duty to not discriminate under 42 U.S.C. section 1985 and purposely discriminate petitioner by violating petitioner civil rights, 1st Amendment (to redress the government) and assert that the courts has failed to take into proper consideration the facts and laws relating to a particular matter as an arbitrary or unreasonable departure from precedent and settled judicial custom. Florida Supreme Court did not exercise discretion in deciding a question it must do so in a way that is not clearly, against logic and the evidence. By the Florida Supreme Court exercising discretion, is an error of law, and grounds for reversing a decision on appeal. The Florida Supreme Court has enter a decision in conflict with another the decision of the Georgia Supreme Court, and the cases are:

City of Union point v. Greene County, et al. Greene County County et al. v. City of Union point. 3018 WL 1324184 Supreme Court of Georgia.
(Separation of power)

CONFLCITING STATE DISTRICT COURT OF APPEALS WITH ANOTHER STATE DISTRICT COURT OF APPEALS OF FLORIDA

The District Court of Appeal of the second District court Lakeland Florida was erroneous had a duty not to discriminate under 42 U.S.C. section 1985, and purposely discriminate petitioner by violating petitioner civil rights, 1st. Amendment (to redress the government), 7th Amendment (a Jury trial, shall be preserved), 14th Amendment (Due process), and Article 3, section 1, and 2, of the United States Constitution under the judicial of review and assert that the District Court had failed to take into proper consideration the facts and laws relating to a particular matter as an arbitrary or unreasonable departure from precedent and settled Judicial custom. The District Courts, did exercise discretion in deciding a question, it must do so in a way that is not clearly against logic and the evidence. By the

District court of Appeals exercising discretionary is an error of law, and grounds for reversing a decision on appeal. The District Court of Appeals has entered a decision in conflict with a decision of another District court of Appeals of Florida,

Department of Highway Safety and Motor Vehicles v. Nader, 9 So. 3d 705 (Fla. 2d DCA 2009). And Department of Highway Safety and Motor Vehicles v. Clark, 974 So. 2d 416 (Fla. 4th DCA 2007). And is importance, not only to me but to others similarity in a way that it is important having the Supreme Court decide the question involved.

Reason(s) for granting the petition

CONFIRMING DECISION OF STATE AND FEDERAL COURT JURISDICTION

The Florida Supreme Court was erroneous has a duty to not discriminate under **42 U.S.C. section 1985** and purposely discriminate petitioner by violating petitioner civil rights, 1st Amendment (to redress the government) and assert that the courts has failed to take into proper consideration the facts and laws relating to a particular matter as an arbitrary or unreasonable departure from precedent and settled judicial custom. Florida Supreme Court did not exercise discretion in deciding a question it must do so in a way that is not clearly, against logic and the evidence. By the Florida Supreme Court exercising discretion, is an error of law, and grounds for reversing a decision on appeal. The Florida Supreme Court has enter a decision in conflict with another the decision of the United States Supreme Court and the cases are:

1. *Troxel v. Granville*, 530 U.S. @ 57 (2000).
2. *Hurtado v. California*, 110 U.S. @ 516 (1884).
3. *Palko v. Connecticut*, 302 U.S. @ 319 (1937).
4. *Monroe v. City of East Cleveland*, 431 U.S. @ (1977).
5. *U.S. v. Carolene Products Co.*, 304 U.S. @ 144 (1938).
6. *Dred Scott v. Sanford*, 60 U.S. @ 393 (1857).
7. *Bloomer v. McQuewan*, 55 U.S. 539 (1852).
8. *Murray v. Hoboken Land*, 59 U.S. @272 (1855).

CONCLUSION

That petition for a writ of certiorari should be granted.

Marco M. Yanev

C. O. S.

Petitioner, is hereby to certify that a true, & correct copies of this writ of Cert. has been furnished to the following personal by via express, or hand delivered and state that every thing in it is true and correct to my best knowledge.

- 1). Torres, Marco m, General Delivery, Tampa, FL 33675, marcotorres666@gmail.com
- 2). The United States Supreme Ct. 1 First St, N.E. Washington, D.C. 20543
- 3). David. Mcclaine @ myfloridalegal.com
Signed and dated on this 17th day of Aug
at approximately a.m.

51 Hayes St. #100
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