

NO. 18-8334

Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

ADA A. GONZALEZ

Petitioner

V.

ALFREDO ERNESTO GONZALEZ

Respondent(s)

ON PETITION FOR THE REHEARING
OF AN ORDER DENYING A PETITION FOR A WRIT OF CERTIORARI TO

District Court of Appeal, Fifth District

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PETITION FOR REHEARING

Rule 44-2 of the United States Supreme Court permits a petition for rehearing of an order denying a petition for writ of certiorari to assert grounds limited to "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented." The jurisdiction of this court is invoke pursuant 28 U.S.C. §1257(a), 28. U.S.C. §2106 and Art. III, Section 2, U.S. Constitution, Amend XIV, § 1, U.S. Const.

The Petition for Rehearing is filed pursuant Supp. Ct. R. 44(2) and Supp. Ct. R. 10(b), on substantial grounds not previously presented found on a controlling effect of the recent decisions from other State's Court.

REASONS FOR GRANTING REHEARING

Petitioner concedes error on her initial Petition for writ of certiorari as she failed to raise the question as to whether the State of Florida Fifth District Court of Appeal abuse its discretion in denying Petition of Writ of Mandamus without authority to do so inflicting additional repeated harm on Petitioner in violation of her due process of laws and constitutional rights under the Fourteenth Amendment of the United States of America.

The Fourteenth Amendment, section one, of the Constitution of the United States of America, says:

"All 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."

The State of Florida is part on the United States of America and has a document titled "Constitution of the State of Florida" in which also appears:

"Art. I, Section 1, Fla. Const. (2018), Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Art. I, Section 9, Fla. Const. (2018), Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Art. I, Section 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."

Petitioner brings the issue of the State of Florida, Fifth District Court of Appeals violation of due process of laws and abuse of discretion in this motion for rehearing, as *pro se* litigant.

The facts remain the same, this case arises from then Chief Judge Hon. Judge Galluzzo' 15-57-S Administrative Order dated Dec. 1, 2015. The Chief Judge for the Eighteenth Judicial Circuit Court in and for Seminole County Florida, are in direct "neglect of duty" pursuant Fla. R. Jud. Adm. 2.215(b). Petitioner' filed at the Florida Fifth District Court of Appeals a "Petition for Writ of Mandamus" directed to Hon. Judge Michael J. Rudisill (hereinafter "Respondent") to be coerce to obey the 15-57-S Administrative Order dated Dec. 1, 2015. Petitioner found out about this 15-57-S Administrative Order and immediately filed for the Florida Fifth District Court of Appeal for a "Petition of Writ of Mandamus" as Respondent is in violation

of Fla. R. Jud. Adm. 2.215(h). Unknown to Petitioner of the abolished jurisdiction over the Petitioner's State of Florida Trial Court Domestic Relations Case, Petitioner included the Domestic Relations Case on the Caption of the Petition for Writ of Mandamus. Petitioner moved for leave to amend the Petition's caption and on Dec. 11, 2018, the State of Florida Fifth District Court of Appeal, denies all Petitioner's due process of the laws, retracted the previous order for Respondent to respond, denied Petitioner's motion to amend and correct the defects on the jurisdiction, and denied the "Petition for Writ of Mandamus" on the merits.

In light of the Court of Appeals of Texas case *IN RE MIKE HARTLEY AND JANIE HARTLEY, Realtors*, 2019 WL 2266672, (May 24, 2019), holding:

"Accordingly, we conditionally grant the petition for writ of mandamus. We direct the trial court to vacate its May 6, 2019 order and reinstate its February 22, 2019 order granting the Hartleys' motion to dismiss within thirty days of the date of this opinion. A writ will issue if the trial court fails to comply."

Petitioner respectfully requests the reconsideration of the denial of Petition for Writ of Certiorari, which was initiated by Petitioner State of Florida Court "Petition for Writ of Mandamus" directed to Respondent to be coerce to obey the 15-57-S Administrative Order. The present case, varies in one material aspect as to *Hartley* and that is that Petitioner's State of Florida Court "Petition for Writ of Mandamus" was uncontested at the State of Florida, Fifth District Court of Appeals by Respondent. As in *Hartley*, this court may afford the equal protections of the laws and "conditionally grant the writ of mandamus." Therefore, under Art. VI, Clause 2, U.S. Const. and Art. III, Section 2, U.S. Const., this honorable Court

should vacate the Dec. 11, 2018 order and reinstate the Petitioner's "Petition for Writ of Mandamus" to prevent the grave manifestation of injustice or intervene to stop Respondent' abuse of power in complete absence of jurisdiction over Petitioner. Petitioner has exhausted all the remedies at law at the State of Florida Court since 2013, when Respondent allowed Petitioner fully paid Florida Attorney to withdraw leaving Petitioner stranded to the Court's abuse of power.

The State of Florida Fifth District Court of Appeals abuse its discretion in denying Petitioner' "Petition for Writ of Mandamus". In a recent case *Teen Challenge of Kentucky, Inc. v. Kentucky Commission on Human Rights* 2019 WL 1868367, (April 26, 2019), the Court of Appeals of Kentucky held "A lower court's grant, or denial, of a writ of mandamus is reviewed for an abuse of discretion, while questions of law are reviewed *de novo*." And reverse and remanded the lower court's decision as an abuse of discretion. Petitioner respectfully request that by issuance of a writ of certiorari this honorable court would find that the State of Florida Court abuse its discretion in denying the legal right of Respondent be discharge from Petitioner's legal case as per 15-57-S Administrative Order. "Without the writ of mandamus, no viable legal remedy would exist to command performance of ministerial duties by public officers." *Id.* Petitioner met the requirements at law for the extraordinary remedy of a writ of mandamus directed to Respondent as there is no other remedy available for such relief. Respondent continues acting in absence of jurisdiction in her State of Florida Domestic Relations case and continues to violate the Petitioner's constitutional rights "under the color of the laws" which includes

orders to investigate Petitioner assets, criminal contempt of court, order that enjoins from filing as *pro se* litigant in all her legal matters, order for Petitioner's Former Husband' to go to her safe deposit documents in the absence of Petitioner in the State of New York, subpoena of all her financial records up to five years, and just recently rendered a final judgment on Petitioner's house in complete absence of jurisdiction and in the absence of due process in violation of the Fourteenth Amendment of the United States of America.

Petitioner was not provided with due process as the State of Florida Fifth District Court of Appeals as the Court "denied on the merits" her Petition, by a three panel judge, in absence of jurisdiction over the "Petition for Writ of Mandamus". The State of Florida Fifth District Court of Appeals had no jurisdiction to denied Petitioner "Petition for Writ of Mandamus", therefore there is abuse of discretion in denying the petition on the merits, which opens the only door available for relief that Petitioner is entitled as a matter of law, from the Supreme Court of the United States pursuant 28 U.S.C. § 1257(a), 28 U.S.C. § 2106, 28 U.S.C. § 1651(a), Sup. Ct. R. 20, Sup. Ct. R. 10(b) and Sup. Ct. R. 44(2).

The State of Florida Court's decision is in conflict with the Fourteenth Amendment of the United States. In case *Cockfield v. City of Fargo*, 924 N.W. 2d 403, (March 13, 2019), the Supreme Court of North Dakota affirmed the decision of the lower court but because found no abuse of discretion, however, it does establishes that "Due process claims require a two-step analysis; the plaintiff must show that the state deprived him of some life, liberty, or property interest and that

the state's deprivation of the interest was done without due process, U.S. Const. Amend 14." Petitioner claims that the State of Florida, Fifth District Court of Appeal denied her "Petition for Writ of Mandamus" depriving her from her legal right of Respondent to be force to be discharge from Petitioner's legal case as it is clear that Respondent has the duty of ministerial act of recusing himself from Petitioner legal case, as Respondent is in violation of the 15-57-S Administrative Order. The State of Florida, Fifth District Court of Appeal did not afford the opportunity to be heard, the due process of the laws to even decide the matter on the merits, which is a fundamental error.

Contrary to the Appellant's in case *Transparentgov Novato v. City of Novato*, 34 Cal.App.5th 140 (April 10, 2019), Petitioner demonstrates that Respondent is not willingly, without coercion, to obey the 15-57-S Administrative Order, it will only take the order from this court to obey the order to stop the abuse against Petitioner. Petitioner is correct as to the remedy of "Petition for Writ of Mandamus" In *Transparentgov Novato*: "Mandamus, rather than mandatory injunction, is the traditional remedy for the failure of a public official to perform a legal duty; thus, the legal principles governing judicial compulsion of official acts have developed under the rubric of mandamus rather than injunction." Id.

Petitioner files this motion for rehearing on grounds of intervening circumstances of substantial and or controlling effect not previously presented.

CONCLUSION

For the foregoing reasons, and those stated in the petition, the court should grant the Petition for Rehearing and grant the Petition for Writ of Certiorari.

Dated June 6, 2019

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STATEMENT PURSUANT TO RULE 44(2)

I, Ada A. Gonzalez, hereby certify that the attached Petition for Rehearing is restricted to the grounds listed in Rule 44(2) and that it is presented in good faith and not for purposes of delay.

Dated June 6, 2019

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