

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

APPENDIX A

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

February 20, 2019

**Clerk - Northern District of Florida
U.S. District Court
111 N ADAMS ST
TALLAHASSEE, FL 32301-7717**

**Appeal Number: 18-15341-GG
Case Style: Gamaniel Joseph El v. All Local Law Enforcement
District Court Docket No: 4:18-cv-00425-RH-CAS**

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. The appellant is advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

**Reply to: Joe Caruso, GG
Phone #: (404) 335-6177**

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

APPENDIX A

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IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-15341-GG

**U.S. COURT OF APPEALS
ELEVENTH CIRCUIT**

FEB 20 2019

**David J. Smith
Clerk**

Plaintiff-Appellant,

versus

**GAMALIEL JAPHIA JOSEPH EL,
Ex Rel Gamaliel Japhia Joseph,**

**ALL LOCAL LAW ENFORCEMENT IN GENERAL,
Municipal and State Misapplication of Florida Statutes,**

Defendant-Appellee.

**Appeal from the United States District Court
for the Northern District of Florida**

Before: MARTIN, ROSENBAUM and JILL PRYOR, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, as untimely. Gamaliel Japhia Joseph El's notice of appeal, filed December 20, 2018, is untimely to appeal from the district court's judgment, which was entered on November 14, 2018. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). Therefore, we lack jurisdiction over the appeal. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010); *see also Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 20 (2017).

All pending motions are DENIED as MOOT. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

APPENDIX A

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

APPENDIX B

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

April 15, 2019

Gamaliel Japhia Joseph El
8424 LENOVA LN
TALLAHASSEE, FL 32305

Appeal Number: 18-15341-GG
Case Style: Gamaliel Joseph El v. All Local Law Enforcement
District Court Docket No: 4:18-cv-00425-RH-CAS

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Joe Caruso, GG
Phone #: (404) 335-6177

MOT-2 Notice of Court Action

APPENDIX B

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-15341-GG

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

APR 15 2019

GAMALIEL JAPHIA JOSEPH EL,
Ex Rel Gamaliel Japhia Joseph,

David J. Smith
Clerk
Plaintiff-Appellant,

versus

ALL LOCAL LAW ENFORCEMENT IN GENERAL,
Municipal and State Misapplication of Florida Statutes,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Florida

Before: MARTIN, ROSENBAUM and JILL PRYOR, Circuit Judges.

BY THE COURT:

Appellant's February 28, 2019, motion for reconsideration of our February 20, 2019, order dismissing this appeal as untimely is DENIED. If Mr. Joseph El wishes to file a petition for writ of certiorari to the Supreme Court of the United States, he must do so in compliance with the Rules 12, 13, and 14 of the Supreme Court of the United States and all other applicable requirements.

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

APPENDIX C

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 28, 2019

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-15341-GG

Case Style: Gamaliel Joseph El v. All Local Law Enforcement

District Court Docket No: 4:18-cv-00425-RH-CAS

Eleventh Circuit Rule 31-1 requires that APPELLANT'S BRIEF BE SERVED AND FILED
ON OR BEFORE February 28, 2019. APPELLANT'S APPENDIX MUST BE SERVED AND
FILED NO LATER THAN 7 DAYS AFTER FILING OF THE APPELLANT'S BRIEF.

This is the only notice you will receive concerning the due date for filing briefs and appendices.
See Fed. R. App. P. 28, 30, 31, 32, the corresponding circuit rules, and General Order 39 for
further information.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Joe Caruso, GG
Phone #: (404) 335-6177

BR-1CIV Civil appeal briefing ntc issued

APPENDIX C

APPENDIX D

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

GAMALIEL JAPHIA JOSEPH EL,

Plaintiff,

v.

CASE NO. 4:18cv425-RH/CAS

ALL LOCAL LAW ENFORCEMENT
et al.,

Defendants.

ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 10. No objections have been filed.

As set out in the report and recommendation, the plaintiff has neither paid the filing fee nor moved for leave to proceed in forma pauperis. Accordingly,

IT IS ORDERED:

The report and recommendation is accepted. The clerk must enter judgment stating, "This case is dismissed without prejudice." The clerk must close the file.

SO ORDERED on November 13, 2018.

s/Robert L. Hinkle

United States District Judge

APPENDIX D

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

GAMALIEL JAPHIA JOSEPH EL,

Plaintiff,

vs.

Case No. 4:18cv425-RH/CAS

**ALL LOCAL LAW ENFORCEMENT,
et al.,**

Defendants.

REPORT AND RECOMMENDATION

Plaintiff sought to initiate this case on September 10, 2018. ECF Nos. 1-2. An Order was entered on September 11, 2018, requiring Plaintiff to file an in forma pauperis motion and a complaint on the forms which are required to be used in this Court by October 12, 2018. ECF No. 4. Plaintiff did not comply but, instead, filed an "answer to order," ECF No. 5, which, among other things, asserts that Plaintiff will not submit an amended complaint. ECF No. 5 at 3. Plaintiff also filed an "answer to memorandum," ECF No. 6, which states, among other things, that Plaintiff is not seeking in forma pauperis status. *Id.* at 2.

Because Plaintiff did not comply with the first Order, ECF No. 4, another Order was entered directing Plaintiff to submit an "amended complaint" on the court provided form to him. ECF No. 7. The insufficiencies with Plaintiff's initial complaint were explained, and Plaintiff was required to file an amended complaint as previously ordered. *Id.* Additionally, Plaintiff was required to either pay the filing fee for this case or submit a proper in forma pauperis motion. *Id.* Plaintiff was warned that if he did not comply by the October 12, 2018, deadline, a Report and Recommendation will be entered to dismiss this case. ECF No. 7.

On October 5, 2018, a frivolous document was filed by Plaintiff, see ECF No. 8, but Plaintiff did not comply with the prior Orders. Moreover, the last Order entered, ECF No. 7, has now been returned to the Court as undeliverable. ECF No. 9. Accordingly, if Court Orders cannot reach Plaintiff, this case cannot continue. Furthermore, Plaintiff has neither paid the filing fee or filed an in forma pauperis motion. It appears that Plaintiff has abandoned this litigation.

The Supreme Court has held that "[t]he authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control

necessarily vested in courts to manage their own affairs " Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S.Ct. 1386, 1389, 8 L.Ed.2d 734 (1962) (quoted in Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337 (11th Cir. 2005)). In addition, the local rules of this Court provide that if "a party fails to comply with . . . a court order, the Court may strike a pleading, dismiss a claim, enter a default on a claim, take other appropriate action, or issue an order to show cause why any of these actions should not be taken." N.D. Fla. Loc. R. 41.1. Having been warned of the consequences of failing to comply with court orders, this case should now be dismissed.

Recommendation

It is respectfully **RECOMMENDED** that this case be **DISMISSED** for failure to prosecute and failure to comply with court orders.

IN CHAMBERS at Tallahassee, Florida, on October 22, 2018.

S/ Charles A. Stampelos
CHARLES A. STAMPELOS
UNITED STATES MAGISTRATE JUDGE