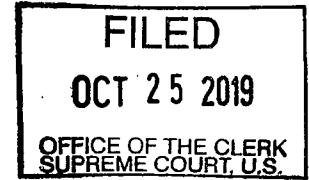


THE SUPREME COURT OF THE
UNITED STATES



Raymond Tyrone Lewis,
Petitioner,

Vs.

Case No.: 18-9766

William O. Farmer Et. Al.,
Respondent(s).

Petition for Panel Rehearing

Comes Now, Petitioner Raymond Tyone Lewis acting pro se in accordance with the Fed.R.Civ.P. 44 do hereby request this Honorable Court to re-consider and rehear the issues previously denied on October 07, 2019 as Petitioner was notified by letter from Clerk. (Exhibit A letter from clerk)

Procedural History and Statement of Facts

Petitioner filed the instant writ of Certiorari on June 07, 2019 thru officials hands at Graceville Correctional Facility. On June 24, 2019 the petition was placed on the Court docket and a notice was provided by the Court and mailed to me advising the respondents to file a brief in opposition by July 24, 2019. (Exhibit B Notice). And also a waiver of no response was also provided (Exhibit C Waiver). These documents were sent to the respondents on July 8, 2019 as indicated by date stamp on both documents labeled exhibit B and C. On July 17, 2019 the attorney

for the respondents filed a “waiver of no response” (Exhibit D) which was received by the Clerk of this Court as noted by it being entered on the Court docket (Exhibit E).

Argument

(1) Petitioner would first add that a Notice of Inquiry was sent to the Clerk of this Court Sept. 04, 2019 informing the Clerk of the waiver of no response that was received by him from the respondents Attorney and questioned the clerk was there anything else that was required by Petitioner was the court docket sheet (Exhibit E) with no other instructions provided. It was reflected that on July 24, 2019 the Petition was distributed for conference of October 1, 2019. According to the Federal Rule of Civil Procedures 55(a) which states (A) Entering a Default.

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk “must” enter the party’s default. As the record and docket reflects no such order or notice was filed by the Clerk of this Court which was required by the Clerk to do so according to Rule 55(a) of the Federal Rules of Procedure which creates a Due Process law violation and manifest injustice that this court is obligated by the law to correct as it is shown by the record.

(2) Petitioner would further add that as further grounds for this Honorable Court to grant this rehearing is that the Court was provided with material and factual

evidence that the denial of the 1983 claim by the Middle District Court (Ocala) proclaiming a 4yr statute of limitations is incorrect (see Exhibit G statute of limitations) statue to apply as this complaint is not directed to the recovery of real property, and involves the violations of rights that are guaranteed by the constitution and requires a jury to decide the issues. The violation was already established by a Court of jurisdiction in where the defendants did in fact participate in the infringement of the Petitioners 4th, 5th, 6th, and 14th amendment rights afforded by the Federal and Fla. Constitution as well. Therefore a certificate of appealability should have been issued. The mere facts that no argument to the allegations provided by the Petitioner within the complaint gives a prima facie showing of guilt and the Court must accept as true the allegations and construe them in the light most favorable to the Petitioner. See Resnick v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000). Which allows for this Court to make its ruling favorable to the Petitioner to proceed to oral arguments on the merits if necessary in where Petitioner would ask this Honorable Court to provide him with the assistance of counsel by appointment through this Court to do so.

(3) Petitioner would further add that The Eleventh Circuit Court of Appeals allowed Petitioner to present evidence and argument that refuted the ^{Middle} ~~minor~~ Districts claim of being time barred by a 4yr statute of limitations and in doing so, Petitioner filed a Motion for Reconsiderations (Appx. D) with the proper statute of limitations

that should be applied in this case (Exhibit G) which is 95.11(1) for the recovery of anything other than real property. Which was denied and stated it was denied based on the grounds that no new evidence or argument or merit to warrant relief was provided. However the Petitioner did provide both evidence (Appx. G) and (Appx. H) as argument and nowhere in the record has there been anything to refuted the evidence of the complaint or the application of the 20yr statute of limitations that must be applied according to the statute. Therefore this Court must correct this infringement on the Petitioners due process rights.

(4) Petitioner would further add as argument that a Default occurs when a defendant has failed to plead or otherwise respond to the complaint within the time required by Fed.R.Civ.P. 15.3. An entry of default is what the Clerk must enter when the default is established by affidavit or otherwise (Exhibit C waiver of no response) according to the Fed.R.Civ.P. 55(a). After such default has been entered then the plaintiff may apply for a judgment based on such default. However the Clerk never filed the entry which denied the Petitioner the Due Process of law to pursue a judgment based on that parties default and failed to inform the Court of the defendants failure to defend and instead provided a waiver of no response (Exhibit C) which violates the Due Process by failing to enter default. *Ashby v. McKenna*, 331 F.3d 1148 (10th Cir. 2003). As a direct result of this abuse of discretion by the Clerk, the Court made a ruling without applying the failure of response by the

defendants which could only allow them to take as true the uncontested motion State ex rel Libtz v. Coleman, 149 Fla. 28, 5 So.2d 60 and under the Fla.R.App.P. 9.100(k) failure to deny or defend or otherwise impeach the facts contained in the writ constitutes an admission that the unchallenged facts are true. Cooper v. Sinclair, 66 So.2d 702 (Fla. 1953). Furthermore had the Court been informed of the default action it could have been used its discretion to order a default judgment as Rule 7(1) provides them the discretion to do so. It is the Courts duty when shown, to correct an injustice if it can. In correcting the violation of one's due process rights the Court has the authority to do so as the argument and facts provided herein warrants relief of judgment. With the Court acknowledging the fact that a judgment is void only if the Court that rendered it lacked jurisdiction of subject matter or, of the parties, or if it acted in a manner inconsistent with the due process of law. Where as in this case due process was violated when the clerk failed to provide the default as Rule 55(a) instructs.

Pro Se Status

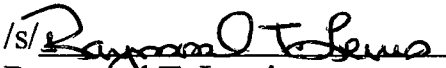
Petitioner request this Honorable Court to construe his petition in the most liberal fashion since he has always been pro se during these proceedings and would adapt Haines v. Keener, 404 US 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972) and (1) Schlant v. Galan (In re. Galan) 522 BR 744 (Bank R.W.D.N.Y. 2014). And would further add that this Petition is presented in good faith and without delay.

Relief Sought

The Petitioner would request this Honorable Court to reconsider it's previous denial on October 7, 2019 and grant this Panel Rehearing with directness to the clerk to enter a default as required by Ruel 55(a) of the Fed.R.Civ.P. with the entrance dated July 20, 2019 as the waiver was received July 17, 2019, supplement the record to reflect the default, and allow the Petitioner to address the merits of his claim with the Court adhering to the requirements of Rule 7(1) and/or a judgment of default and/or any other relief this Court may deem appropriate and fair.

Declaration

I hereby declare under penalties of perjury that I understand English language or have had it read to me and understand and state that the facts set forth are true and correct.

/s/ 
Raymond T. Lewis, pro se
5168 Ezell Road
Graceville Florida 32440

THE SUPREME COURT OF THE
UNITED STATES

Raymond Tyrone Lewis,
Petitioner,

Vs.

Case No.: 18-9766

William O. Farmer Et. Al.,
Respondent(s).

Table of Exhibits

<u>Exhibit</u>	<u>Title</u>	<u>No. of Pages</u>
A	Letter from Clerk	01
B	Notice to Respond	01
C	Waiver Form	01
D	Waiver Received from Respondents Att.	01
E	Court Docket Sheet	01
F	Notice of Inquiry	01
G	Statute of Limitations 95.11(1)	02


/s/ 
Raymond T. Lewis, pro se
5168 Ezell Road
Graceville Florida 32440

Exhibit A

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

October 7, 2019

Scott S. Harris
Clerk of the Court
(202) 479-3011

Mr. Raymond Tyrone Lewis
Prisoner ID 092929
Graceville Correctional Facility
5168 Ezell Rd.
Graceville, FL 32440

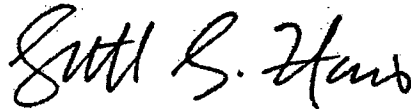
Re: Raymond Tyrone Lewis
v. William O. Farmer, Sheriff, Sumter County, Florida, et al.
No. 18-9766

Dear Mr. Lewis:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

Exhibit B

Supreme Court of the United States

Raymond Tyrone Lewis
(Petitioner)

v.

No. 18-9766

William O. Farmer, Sheriff, Sumter County, Florida, et al.
(Respondent)

To _____ Counsel for Respondent:

NOTICE IS HEREBY GIVEN pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on June 7, 2019, and placed on the docket June 24, 2019. Pursuant to Rule 15.3, the due date for a brief in opposition is Wednesday, July 24, 2019. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Beginning November 13, 2017, parties represented by counsel must submit filings through the Supreme Court's electronic filing system. Paper remains the official form of filing, and electronic filing is in addition to the existing paper submission requirement. Attorneys must register for the system in advance, and the registration process may take several days. Further information about the system can be found at <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

C.C.

Donald Knee
Kevin Davenport
Dawn Schegel
Dylan Galbreath

for
Sumter County Sheriff's Office
1010 N. Main Street
Bushnell Fl. 33513

Mr. Raymond Tyrone Lewis
Graceville Correctional Facility
5168 Ezell Rd.
Graceville, FL 32440

STATE OF Florida rep. by Brad King

Conrad Juergensmeyer
Edward Fritz
Larry Houston

for
5th Judicial State Att. Office
215 E. McCollum Ave Ste. 102
Bushnell, FL 33513

Provided to Graceville Correctional Facility on
7-5-19 for mailing, by [Signature]

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

Exhibit C

W A I V E R

Supreme Court of the United States

No. 18-9766

Provided to Graceville Correctional Facility on
for mailing, by [Signature] RTL

Raymond Tyrone Lewis
(Petitioner)

v. William O. Farmer, Sheriff, Sumter
County, Florida, et al.
(Respondents)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

- ☐ Please enter my appearance as Counsel of Record for all respondents.
- ☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

- ☐ I am a member of the Bar of the Supreme Court of the United States.
- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature _____

Date: _____

(Type or print) Name _____
☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm _____

Address _____

City & State _____ Zip _____

Phone _____

SEND A COPY OF THIS FORM TO PETITIONER'S COUNSEL OR TO PETITIONER IF PRO SE. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

Cc: Donald Knees, Kevin Davenport, Dawn Schlegel, Dylan Galbreath, State of Florida rep. by Brad King, Conrad Jorgensenmyer, Edward Fritz, Larry Houston

Obtain status of case on the docket. By phone at 202-479-3034 or via the internet at <http://www.supremecourtus.gov>. Have the Supreme Court docket number available.

Exhibit D

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 18-9766

Raymond Tyrone Lewis

(Petitioner)

v. Florida Department of Corrections, et al.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

☒ Please enter my appearance as Counsel of Record for all respondents.

☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

☒ I am a member of the Bar of the Supreme Court of the United States.

☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature

Wesley Heidt

Date:

July 17, 2019

(Type or print) Name Wesley Heidt

☐ Mr.

☐ Ms.

☐ Mrs.

☐ Miss

Firm

Office of the Attorney General

Address

444 Seabreeze Boulevard, Suite 500

City & State

Daytona Beach, Florida

Zip

32118

Phone

386-238-4990

Email

crimappdab@myfloridalegal.com

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF PRO SE. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Raymond T. Lewis, DC#092929, Graceville CI, 5168 Ezell Rd., Graceville, FL 32440

Exhibit E

No. 18-9766

Title: **Raymond Tyrone Lewis, Petitioner**
v.
William O. Farmer, Sheriff, Sumter County, Florida, et al.

Docketed: June 24, 2019

Lower Ct: United States Court of Appeals for the Eleventh Circuit

Case Numbers: (18-14103)

Decision Date: February 19, 2019

Rehearing Denied: April 17, 2019

DATE	PROCEEDINGS AND ORDERS
Jun 07 2019	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due July 24, 2019) <u>Motion for Leave to Proceed in Forma Pauperis</u> <u>Petition</u> <u>Appendix</u> <u>Proof of Service</u>
Jul 17 2019	Waiver of right of respondents Williams Farmer, et al. to respond filed. <u>Main Document</u>
Jul 25 2019	DISTRIBUTED for Conference of 10/1/2019.

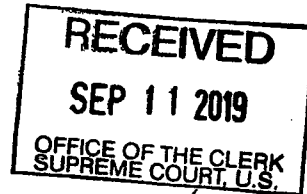
NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Raymond Tyrone Lewis	092929 Graceville Correctional Facility 5168 Ezell Rd. Graceville, FL 32440	
Party name: Raymond Lewis		
Attorneys for Respondents		
Wesley Heidt Counsel of Record	Office of the Attorney General 444 Seabreeze Blvd., Suite 500 Daytona Beach, FL 32118 wesley.heidt@myfloridalegal.com	(386) 238-4990
Party name: Williams Farmer, et al.		

Exhibit F

Supreme Court of the United States

Raymond Tyrone Lewis
(Petitioner)

No. 18-9766



v.

William O. Farmer, Sheriff, Sumter County, Florida, et al.
(Respondents)

Notice of Inquiry

To the Clerk of Court, The Petitioner, Raymond Tyrone Lewis pro, se was sent by this Court a Waiver Form and a Notice to the respondents instructing that by July 24, 2019 a brief in opposition should be filed and if in the event of no intention to file one a waiver form should be sent to the Clerk. These Forms were sent to the respondents on July 8, 2019 (see Attached Forms #1 and #2). In response a waiver form was sent to me by the Office of the Attorney General on July 17, 2019 (see Attached #3). The petitioner would ask this clerk the status of the case and does this Court require any further documents from the petitioner at this time.

Thank You,

Raymond Tyrone Lewis # 092929

Raymond Tyrone Lewis # 092929

Graceville Correctional Facility
5168 Ezell Road C-3-204L
Graceville, Florida 32440

Provided to Graceville Correctional Facility on 9-11-19 for mailing, by

Exhibit G

95.11. Limitations other than for the recovery of real property.

Actions other than for recovery of real property shall be commenced as follows:

(1) **Within twenty years.** An action on a judgment or decree of a court of record in this state.

(2) **Within five years.**

(a) An action on a judgment or decree of any court, not of record, of this state or any court of the United States, any other state or territory in the United States, or a foreign country.

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of paragraph (5)(e), s. 255.05(10), s. 337.18(1), or s. 713.23(1)(e), and except for an action for a deficiency judgment governed by paragraph (5)(h).

(c) An action to foreclose a mortgage.

(d) An action alleging a willful violation of s. 448.110.

(e) Notwithstanding paragraph (b), an action for breach of a property insurance contract, with the period running from the date of loss.

(3) **Within four years.**

(a) An action founded on negligence.

(b) An action relating to the determination of paternity, with the time running from the date the child reaches the age of majority.

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.

(d) An action to recover public money or property held by a public officer or employee, or former public officer or employee, and obtained during, or as a result of, his or her public office or employment.

(e) An action for injury to a person founded on the design, manufacture, distribution, or sale of personal property that is not permanently incorporated in an improvement to real property, including fixtures.

(f) An action founded on a statutory liability.

(g) An action for trespass on real property.

(h) An action for taking, detaining, or injuring personal property.

(i) An action to recover specific personal property.

(j) A legal or equitable action founded on fraud.

(k) A legal or equitable action on a contract, obligation, or liability not founded on a written instrument, including an action for the sale and delivery of goods, wares, and merchandise, and on store accounts.

(l) An action to rescind a contract.

(m) An action for money paid to any governmental authority by mistake or inadvertence.

(n) An action for a statutory penalty or forfeiture.

(o) An action for assault, battery, false arrest, malicious prosecution, malicious interference, false imprisonment, or any other intentional tort, except as provided in subsections (4), (5), and (7).

(p) Any action not specifically provided for in these statutes.

(q) An action alleging a violation, other than a willful violation, of s. 448.110.

(4) **Within two years.**

(a) An action for professional malpractice, other than medical malpractice, whether founded on contract or tort; provided that the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence. However, the limitation of actions herein for professional malpractice shall be limited to persons in privity with the professional.

(b) An action for medical malpractice shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued, except that this 4-year period shall not bar an action brought on behalf of a minor on or before the child's eighteenth birthday.

birthday. An action for medical malpractice is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury the period of limitations is extended forward 2 years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the incident giving rise to the injury occurred, except that this 7-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. This paragraph shall not apply to actions for which ss. 766.301-766.316 provide the exclusive remedy.

- (c) An action to recover wages or overtime or damages or penalties concerning payment of wages and overtime.
- (d) An action for wrongful death.

(e) An action founded upon a violation of any provision of chapter 517, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, but not more than 5 years from the date such violation occurred.

(f) An action for personal injury caused by contact with or exposure to phenoxy herbicides while serving either as a civilian or as a member of the Armed Forces of the United States during the period January 1, 1962, through May 7, 1975; the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence.

- (g) An action for libel or slander.

(5) Within one year.

- (a) An action for specific performance of a contract.

(b) An action to enforce an equitable lien arising from the furnishing of labor, services, or material for the improvement of real property.

- (c) An action to enforce rights under the Uniform Commercial Code Letters of Credit, chapter 675.

(d) An action against any guaranty association and its insured, with the period running from the date of the deadline for filing claims in the order of liquidation.

(e) Except for actions governed by s. 255.05(10), s. 337.18(1), or s. 713.23(1)(e), an action to enforce any claim against a payment bond on which the principal is a contractor, subcontractor, or sub-subcontractor as defined in s. 713.01, for private work as well as public work, from the last furnishing of labor, services, or materials or from the last furnishing of labor, services, or materials by the contractor if the contractor is the principal on a bond on the same construction project, whichever is later.

(f) Except for actions described in subsection (8), a petition for extraordinary writ, other than a petition challenging a criminal conviction, filed by or on behalf of a prisoner as defined in s. 57.085.

(g) Except for actions described in subsection (8), an action brought by or on behalf of a prisoner, as defined in s. 57.085, relating to the conditions of the prisoners' confinement.

(h) An action to enforce a claim of a deficiency related to a note secured by a mortgage against a residential property that is a one-family to four-family dwelling unit. The limitations period shall commence on the day after the certificate is issued by the clerk of court or the day after the mortgagee accepts a deed in lieu of foreclosure.

(6) **Laches.** Laches shall bar any action unless it is commenced within the time provided for legal actions concerning the same subject matter regardless of lack of knowledge by the person sought to be held liable that the person alleging liability would assert his or her rights and whether the person sought to be held liable is injured or prejudiced by the delay. This subsection shall not affect application of laches at an earlier time in accordance with law.

(7) **For intentional torts based on abuse.** An action founded on alleged abuse, as defined in s. 39.01, s. 415.102, or s. 984.03, or incest, as defined in s. 826.04, may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

(8) **Within 30 days for actions challenging correctional disciplinary proceedings.** Any court action challenging prisoner disciplinary proceedings conducted by the Department of Corrections pursuant to s. 944.28(2) must be commenced within 30 days after final disposition of the prisoner disciplinary proceedings through the administrative grievance process under chapter 33, Florida Administrative Code. Any action challenging prisoner disciplinary proceedings shall be barred by the court unless it is commenced within the time period provided by this section.

(9) **Sexual battery offenses on victims under age 16.** An action related to an act constituting a violation of s. 794.011 involving a victim who was under the age of 16 at the time of the act may be commenced at any time. This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010.

(10) **For intentional torts resulting in death from acts described in s. 782.04 or s. 782.07.** Notwithstanding paragraph (4)(d), an action for wrongful death seeking damages authorized under s. 768.21 brought against a natural person for an intentional tort resulting in death from acts described in s. 782.04 or s. 782.07 may be commenced at any time. This subsection shall not be construed to require an arrest, the filing of formal criminal charges, or a conviction for a violation of s. 782.04 or s. 782.07 as a condition for filing a civil action.

(11) **Court costs and fines.** Notwithstanding subsection (1), an action to collect court costs, fees, or fines owed to the state may be commenced at any time.

No. 18-9766

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

**RAYMOND TYRONE LEWIS, PETITIONER
VS.
WILLIAM O. FARMER ET. AL., RESPONDENT(S)**

**CERTIFICATE OF INTERVENING
CIRCUMSTANCES OF CONTROLLING EFFECT**

I Raymond Tyrone Lewis would submit as grounds for relief the controlling effect of the fact that in accordance with Rule 55 (a) which reads; "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." failure by the Clerk to do so creates the controlling issue that denied Petitioner the Due Process Right to a default judgment.

This violates the Federal Civil Rules of Procedure and the Federal Constitution. It erroneously creates a miscarriage of justice. This Court as a matter of great public importance requires this court to correct and avoid a manifest injustice. If the Clerk is allowed to apply this rule to the cases that they wish to and not apply the rule to others, it creates a violation of one's Due Process Right and the Court must correct this injustice and insist that the relief afforded by Rule 55 (a) be applied to every case when a party fails to defend. This ground is limited to the requirement of record and are intervening circumstance of substantial or controlling effect or grounds previously presented. I hereby certify a true and correct copy of this certificate has been placed in the hands of Graceville C.F. officials to be sent to each party by U.S. mail to counsel for respondents: Attorney General PL-01, The Capitol Tallahassee Fla. 32399-2500 On 21st day of November 2019.

11-21-19
Provided to Graceville Correctional Facility for mailing, by [Signature]
Raymond Tyrone Lewis
(Signature)
DEC - 3 2019
OFFICE OF THE CLERK
SUPREME COURT U.S.