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No. 19-6873

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

ANTHONY DALE CARTER — PETITIONER  
(Your Name)

VS.

STATE OF FLORIDA — RESPONDENT(S)

Supreme Court, U.S.  
FILED

NOV 18 2019

OFFICE OF THE CLERK

ON PETITION FOR A WRIT OF CERTIORARI TO

FIRST DISTRICT COURT OF APPEAL, STATE OF FLORIDA  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Dale Carter, DC # 756364  
(Your Name)

Wakulla C.I. 110 Melaleuca Drive  
(Address)

Crawfordville, Florida 32327-4963  
(City, State, Zip Code)

(Phone Number)

### QUESTION(S) PRESENTED

1. Is it a departure from the essential elements of law to deny a motion based in part or whole on the Court's failure to rule within a reasonable time?
2. Does this departure from the essential elements of law deprive a litigant of the Constitutional right to Due Process and Access To Courts as guaranteed by the 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments?
3. Can these Constitutional violations be upheld by an affirmance of the highest Court of the state?
4. Does the U.S. Constitution allow for protection of litigant's rights to Due Process and Access To Courts when caused by error and/or abuse of discretion of the lower tribunal?

## **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:

## **RELATED CASES**

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APPENDIX A -	First District Court of Appeal "Order <u>AFFIRMING</u> Lower Court's Order" <u>June 28, 2019</u>
APPENDIX B -	First District Court of Appeal "Order Denying Motion For Rehearing" <u>August 20, 2019</u>
APPENDIX C	Fourth Judicial Circuit Court "Order Denying Motion To Compel"
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## TABLE OF AUTHORITIES CITED

### CASES

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### STATUTES AND RULES

*Rule 2.215(f), Florida Rules of Judicial Administration*

### OTHER

*U.S. Constitution - Fourth Amendment  
Fifth Amendment  
Fourteenth Amendment*

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.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits 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 \_\_\_\_\_ 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.

## 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 June 28, 2019.  
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date:  
August 20, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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**

*U. S. Constitution - 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments*

*Florida Rules of Judicial Administration Rule 2.215(f)*



## STATEMENT OF THE CASE

Motion To Compel Filed on March 9, 2015. The motion was not addressed or heard before August 1, 2018. The court's failure to rule within a reasonable time caused for the motion to fail. The District Court affirmed the denial of the lower tribunal, resulting in Due Process violations.

### REASONS FOR GRANTING THE PETITION

*Petitioner is guaranteed the protection of Due Process and Access To Courts by the 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment of the U.S. Constitution.*

**CONCLUSION**

*Constitutional violations are within the U.S. Supreme Court's jurisdiction and discretion.*

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Anthony Carter*

Date: \_\_\_\_\_