

# U.S SUPREME COURT

Supreme Court No: 19-8801

TICHINIA JONES & ROBERT JONES

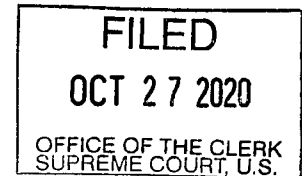
PETITIONER(S)

Case Type: Civil

(VERSUS)

LAMAR COMPANY L,L,C.

RESPONDENT(S)



## MOTION FOR REHEARING

Statute and Laws, several Procedure Civil Rules and Due Process of Laws violation also numerous of Departure from the Essential Requirements of Law or more exceptional importance with all of this also including biased being identify for its existing in the lower tribunal and fundamental unfairness causing an irreparable financial harm to petitioners if they continue facing deprivation for Equal Protection of the *Laws*.

Petitioners hereby file this motion for Relief from Judgments and Orders in support states: On December 08 and 11, 2017, Petitioner (Agent) filed Motion to Disqualify this lower county Judge, form the case based on biased, the record revealed serval bias against petitioner; See both Exhibit-1. Afterward this motion to disqualify remained pending until it was denied on **February 5, 2018**, In the interim, the trial Judge entered its **January 2, 2018**, Final Judgment in favor of Respondents. Petitioner would respectfully assert that the trial Court lacked the authority to enter a final judgment while a Motion to Disqualify **Remained Pending**, and accordingly, the January 2, 2018, Final Judgment is **void as a matter of law**; See Exhibit-2

**Until a motion to disqualify a judge is resolved**, a case cannot proceed at [all] under absolute [no] circumstance; Petitioner have been facing with an intolerable risk of irreparable harm since Petitioner been forced to await.

*See* § 38.10, Fla. Stat. (1993).

Section 38.10, Florida Statutes (1993), provides:

Disqualification of judge for bias or prejudice; application; affidavits; etc. — Whenever a party to any action or proceeding makes and files an affidavit stating that he fears he will not receive a fair trial in the court where the suit is pending on account of prejudice of the judge of that court against the applicant or in favor of the adverse party, **the judge shall proceed no further**, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges for the trial of causes in which the presiding judge is disqualified. Every such affidavit shall state the facts and the reasons for the **belief that any such bias** or prejudice exists and shall be accompanied by a certificate of counsel of record that such affidavit and application are made in good faith.

§ 38.10, Fla. Stat. (1993) (emphasis added).

Florida Rule of Judicial Administration 2.160 establishes the procedural aspects of seeking disqualification. Rule 2.160 states that:

(f) Determination — Initial Motion.

The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth

of the facts alleged.

**If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed [no further] in the action.**

**If any motion is legally insufficient, an order denying the motion shall immediately be entered.**

No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.

Fla. R. Jud. Admin. 2.160(f) (emphasis added).

**A court lacks authority to enter a final judgment while a motion to disqualify remains pending.** *White v. White*, 710 So. 2d 766, 766 (Fla. 5<sup>th</sup> DCA 1998). Moreover, the trial judge is the manager of the docket and has the ultimate responsibility to rule on pleadings that are properly pled before the court, in accord with applicable rules of procedure and court precedent. *See Toney v. Freeman*, 600 So.2d 1099, 1100 (Fla. 1992) ("Trial judges should be encouraged to take an active role in keeping themselves informed of the cases assigned to them.") *Lukowsky v. Hauser Metsch, P.A.*, 677 So.2d 1383, 1384 (Fla. 3d DCA 1996)

"Whenever a dispositive motion is pending before the court, and the parties are awaiting the court's ruling on that motion, the duty to proceed rests squarely upon the court.

In this case being stated herein for the Florida Statute Chapter 38 Section 10, the trial court was obligated by statute to address Petitioner pending

motion to disqualify prior to entering a final judgment, Motion for attorney fees on January 2, 2018, for Respondents Un-timely filed Florida Statute Chapter 57 Section 105, which were un-timely filed during their Eviction time period on September 8, 2017, Respondent had been Evicted for over fifty-five 55-days which ended September 26, 2017 only about 3-days before contract Expired September 30, 2017, respondents had non-rental rights to premises are non-possession of valid contract agreement was [Terminated] at the time September 8, 2017 with the wrong address mailed to Ms. Jones and improper notice attempt the Default Judgment, Writ of possession, Final Judgment for Possession, entered on July 24 and 25, 2017, by the same lower court. Therefore, this motion for rehearing is not intended to delay the courts system, its only to receive justice of law and proud to live here in the United State of America as Citizens.

WHEREFORE, Petitioners, Tichinia Jones, respectfully request that this Court grant this motion on Reconsideration on Judgments and Quash the lower court final judgments and orders granting attorney's fees and granting appeal attorney fees, such other relief as this Court deems appropriate.

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