

No: \_\_\_\_\_

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In the  
**SUPREME COURT OF THE UNITED STATES**

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JEFFREY LANCE HILL, SR., *Petitioner,*

v.

LEANDRA G. JOHNSON, GREGORY S. PARKER,  
WILLIAM F. WILLIAMS, III, JENNIFER B.  
SPRINGFIELD, JOEL F. FOREMAN, SUWANNEE  
RIVER WATER MANAGEMENT DISTRICT,  
COLUMBIA COUNTY, FLORIDA, and CITY OF  
LAKE CITY, FLORIDA, *Respondents.*

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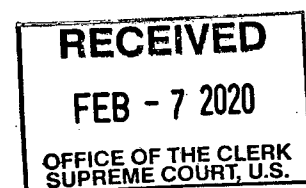
On Petition for Writ of Certiorari to the United  
States Court of Appeals for the Eleventh Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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JEFFREY LANCE HILL, SR., *Petitioner, pro se*  
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Lake City, Florida 32025  
Phone: 386-623-9000



## QUESTIONS PRESENTED

1. Whether the United States Court of Appeals for the Eleventh Circuit violated the Due Process Clause when applying the Rooker-Feldman Doctrine to bar the District Court from reviewing the state court judgments and orders for state agency actions.
2. Whether the \$100,000.00 fine imposed in state court case no. 06-203CA is facially unconstitutional because there are no guidelines in Florida law to ensure consistency in the amount of fine imposed for such activity as a farmer replacing a rusted pipe.
3. Whether the \$100,000.00 fine imposed in state court case no. 06-203CA is excessive or unusual and violates the rights provided by the Eighth Amendment to the United States Constitution.
4. Whether, when considering the provisions of Florida Statutes 403.813 (1) (g) & (h) and 373.406 (1), the state court lacked jurisdiction of the subject matter (the dike/dam) in case no. 06-203 CA.
5. Whether the Suwannee River Water Management District had legal and prudential standing to begin their action in state court case number 06-203 CA.
6. Whether the United States District Court, Middle District of Florida violated the Due Process Clause by sua sponte dismissing Petitioner's Complaint without development of fact and without opportunity to offer proof.

## **PARTIES**

The Plaintiff/Petitioner is Jeffrey Lance Hill, Sr.. The Defendants/Respondents are Leandra G. Johnson, individually; Gregory S. Parker, individually; William F. Williams, III, individually; Jennifer B. Springfield, individually; Joel F. Foreman, individually; Suwannee River Water Management District, Columbia County, Florida and City of Lake City, Florida.

## **RELATED STATE COURT PROCEEDINGS**

### **STATE OF FLORIDA CIRCUIT COURT, THIRD JUDICIAL CIRCUIT**

Case no.: 06-203 CA; Suwannee River Water Management District (SRWMD) v. El Rancho No Tengo, Inc. (ERNT); Complaint filed by SRWMD on May 26, 2006.

Case no.: 06-203CA; SRWMD V. ERNT; Order granting temporary Injunctive Relief to SRWMD; entered July 11, 2007.

Case no.: 06-203 CA; Suwannee River Water Management District (SRWMD) v. El Rancho No Tengo, Inc., (ERNT) Order granting permanent Injunctive Relief to SRWMD; entered August 7, 2007.

Case no.: 06-203 CA; SRWMD V. ERNT; Order awarding \$100,000.00 fine to SRWMD; entered April 25, 2008.

Case no.: 06-203 CA; SRWMD V. ERNT; Order authorizing SRWMD to drain Hill's pond and flood Hill's farm; entered September 2, 2008.

Case no.: 06-203 CA; SRWMD V. ERNT; Sua sponte Order of judge to disqualify self on October 13, 2009.

Case no.: 06-203 CA; SRWMD v. ERNT; Order authorizing SRWMD flood Hill's land; entered March 15, 2010.

Case no.: 06-203 CA; SRWMD v. ERNT; Order awarding \$280,276.20 fees to SRWMD, entered May 3, 2010.

Case no.; 06-203 CA; SRWMD V. ERNT; Order denying Hill's Motion to Rehear on August 5, 2010.

Case no.: 11-340 CA; Jeffrey Lance Hill, Sr. & Linda P. Hill (the Hills) v. SRWMD; Complaint for land taking filed on August 1, 2011.

Case no.; 11-340 CA; The Hills v. SRWMD; Orders of disqualification entered September 13 & 15, 2011.

Case no.: 11-340 CA; The Hills v. SRWMD; Order assigning Judge Greg Parker entered Sept. 15, 2011.

Case no.: 11-340 CA; The Hills v. SRWMD; Order granting SRWMD dismiss / strike on Jan. 9, 2012.

Case no.: 11-340 CA; the Hills v. SRWMD; Order denying Hill's Motion to rehear on October 31, 2012.

Case no.: 13-666CA; SRWMD V. ERNT and Jeffrey Lance Hill, Sr.; SRWMD files to foreclose on Hill and ERNT, filed on December 19, 2013.

Case no.: 11-340CA; the Hills v. SRWMD; Order to stay property tax on March 5, 2014.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Order of reassignment to judge Greg Parker; entered April 23, 2014.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Final Summary Judgment of Foreclosure; entered November 4, 2014.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Order denying rehear and denying vacate; entered November 26, 2014.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Order setting aside judicial sale; January 27, 2015.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Orders denying Hill's Motion for stay pending appeal; entered February 23, 2015.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Orders resetting Judicial Sale; entered on February 24 & 27, 2015.

Case no.: 11-340CA; the Hills v. SRWMD; Order granting SRWMD, in part, motion on Feb. 25, 2015.

Case no.: 13-666 CA; SRWMD v. ERNT and Hill; Certificate of Sale issued on March 25, 2015.

Case no.; 11-340CA; the Hills v. SRWMD; Hill removes case to His bankruptcy case on April 14, 2015.

Case no.: 13-666 CA; SRWMD v. ERNT, Hill, Jeffrey Lance Hill, Jr., & Joshua S. Hill; Order overruling all Objections; entered July 21, 2015.

Case no.: 06-203 CA; SRWMD v. ERNT; Order denying Motion to Vacate; entered July 21, 2015.

Case no.: 11-340CA; the Hills v. SRWMD; Bankruptcy Court remands takings claim back to state court; filed on July 27, 2015.

Case no.: 11-340 CA; The Hills v. SRWMD; Final Order granting Summary Judgment by quasi-judicial immunity for SRWMD to take land; entered February 10, 2016; ( Reversed on April 18, 2017 by Florida First District Court of Appeal).

Case no.: 13-666CA; SRWMD v. ERNT and Hill; Order of Recusal; entered April 21, 2016.

Case no.: 13-666CA; SRWMD v. ERNT and Hill; Order 'assigning' all cases involving Hill to Suwannee County Judge; entered April 27, 2016.

Case no.; 11-340CA; the Hills v. SRWMD; Order 'assigning' all cases involving Hill to Suwannee County judge; entered April 27, 2016.

Case no.: 15-390 CA; Fla. DEP v. Jeffrey L. Hill, et al; Consent judgment signed by Suwannee County judge; entered June 16, 2016.

Case no.: 11-340CA; the Hills v. SRWMD; Order by Suwannee County judge denying the Hills' motion to rehear on June 27, 2016.

Case no.; 11-340CA; the Hills v. SRWMD; Order by Suwannee County judge denying motion to lift stay, entered September 30, 2016.

Case no.: 11-340CA; the Hills v. SRWMD; Mandate/opinion of reversal, 1D16-3343, filed May 4, 2017.

Case no.: 16-374CA; Hill v. SRWMD; Summary judgment granted to SRWMD by Suwannee County judge on March 25, 2017.

Case no.: 17-132CA; Columbia County v. Jeffrey L. Hill, Jr., a/k/a Lance Hill, d/b/a Lance Water and SRWMD; Petition to appoint Receiver, filed by Columbia County on April 7, 2017.

Case no.: 17-132CA; Columbia County v. J. L. Hill, Jr., et al and SRWMD; Order by Suwannee County judge granting SRWMD right to enter private land in Columbia County; entered June 14, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Order signed by Suwannee County judge bifurcating trial on June 26, 2017; filed June 27, 2017.

Case no.; 11-340CA; The Hills v. SRWMD; Order signed by Suwannee County judge setting non-jury trial, entered June 28, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Order by Suwannee County judge denying disqualification

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Case no.: 11-340CA; The Hills v. SRWMD; Orders by Suwannee County judge setting hearings, entered on August 10 & 14, 2017.

Case no.; 11-340CA; The Hills v. SRWMD; Orders by Suwannee County judge denying the Hills' motions, entered August 15 & 16, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Five Orders signed by Suwannee County judge, all in favor of SRWMD entered August 18, 2017.

Case no.: 17-132CA; Columbia County v. Jeffrey L. Hill, Jr. et al and SRWMD; Order determining Hill not a party and striking Hill's pleadings signed by Suwannee County judge on August 21, 2017.

Case no.: 17-132CA; Columbia County v. Jeffrey L. Hill, Jr.(Hill, Jr.), et al and SRWMD; Two Orders by Suwannee County judge appointing receiver and striking Hill's responses entered August 23, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Seven Orders signed by Suwannee County judge in favor of SRWMD, entered August 14, 22, & 25, 2017.



Case no.: 17-132CA; Columbia County v. Hill, Jr., et al and SRWMD; Order by Suwannee County judge denying Hill's appearance and striking Hill's Motion, signed on August 25, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Six Orders signed by Suwannee County judge in favor of SRWMD entered September 14, 22, & 25, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Order regarding the Hills paying file fee of Appeal no.: 1D17-3030 entered September 25, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Seven Orders signed by Suwannee County judge in favor of SRWMD entered October 6, 9, 10, & 11, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Three Orders signed by Suwannee County judge denying the Hills' motion for mistrial entered Oct. 23 & 30, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Order for the Hills to pay file fee in Appeal no. 1D17-3030 entered October 31, 2017.

Case no.: 17-132CA; Columbia County v. Hill, Jr., et al and Michael Smallridge, Receiver; Order for receiver to enter private land in Columbia County signed by Suwannee County judge on November 20, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Four Orders signed by Suwannee County judge in favor of SRWMD entered November 6, 13, 20 & 21, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Final Judgment signed by Suwannee County judge in favor of SRWMD entered November 28, 2017.

Case no.; 11-340CA; The Hills v. SRWMD; Order signed by Suwannee County judge for the Hills to pay property tax entered December 11, 2017.

Case no.: 11-340CA; The Hills v. SRWMD; Order in favor of SRWMD and Order for the Hills to pay file fee signed by Suwannee County judge entered January 5 & 12, 2018.

Case no.: 17-132CA; Columbia County v. Hill, Jr. et al and Michael Smallridge, Receiver; Order that this court has jurisdiction over Hill, Jr.; signed by Suwannee County judge on April 18, 2019.

Case no. 17-132CA; Columbia County v. Hill, Jr., et al and Michael Smallridge, Receiver; Order to Hill to Show Cause by Suwannee County judge signed May 6, 2019.

Case no.: 17-132CA; Columbia County v. Hill, Jr. et al and SRWMD; Two Orders by Suwannee County judge denying Hill Jr.'s Motions to rehear and disqualify judge; signed on June 3, 2019.

Case no.: 17-132CA; Columbia County (Col. Co.) v. Hill, Jr., et al and SRWMD; Hill Jr. files response on

June 12, 2019; (Hill, Jr. not served until May 24, 2019).

**FLORIDA FIRST DISTRICT COURT OF  
APPEAL PROCEEDINGS RELATED**

Appeal nos.: 1D07-4185 & 1D08-2568; ERNT v. SRWMD; cases consolidated on June 23, 2008.

Appeal no.: 1D07-4185; ERNT V. SRWMD; Order per curiam affirming trial court without written opinion, entered February 17, 2009.

Appeal no.: 1D08-2568; ERNT V. SRWMD; Order denying rehearing, denying written opinion and denying en banc review, entered April 2, 2009.

Appeal nos.: 1D07-4185 & 1D08-2568; ERNT v. SRWMD; Florida Supreme Court denies review on May 27, 2009.

Appeal no.: 1D14-5653; Hill v. SRWMD; Notice of Appeal filed on December 11, 2014.

Appeal no.: 1D14-5653; Hill v. SRWMD; Per Curiam Affirmed without written opinion on June 30, 2015.

Appeal no.: 1D14-5653; Hill v. SRWMD; Order denying rehear, denying written opinion, and denying en banc review on July 14, 2015.

Appeal no.: 1D14-5653; Hill v. SRWMD; Order denying Clarification on July 17, 2015.

Appeal no.: 1D14-5653; Hill v. SRWMD; Order denying written opinion again entered July 30, 2015.

Appeal no.: 1D15-3772; Hill v. SRWMD; Per Curiam Affirm without written opinion on March 16, 2016.

Appeal no.: 1D15-3772; Hill v. SRWMD; Rehear, Written opinion, en banc denied on April 8, 2016.

Appeal no.: 1D16-3343; Hill v. SRWMD; Reversal of trial court, entered April 18, 2017.

Appeal no.: 1D17-2979; Hill v. SRWMD; Appeal dismissed on August 24, 2017.

Appeal no.: 1D17-2979; Hill v. SRWMD; Rehear denied on September 27, 2017.

Appeal no.: 1D17-3030; Jeffrey Lance Hill, Sr. and Linda P. Hill v. SRWMD; Petition for Writ of Prohibition denied, motions and petitions moot and stricken, entered December 29, 2017.

Appeal no.: 1D17-1691; Hill v. SRWMD; Trial court Per Curiam. Affirmed. entered February 14, 2018.

Appeal no.: 1D17-1691; Hill v. SRWMD; Order denying rehear, clarification, written opinion and en banc review, entered March 27, 2018.

Appeal no.: 1D17-1691; Hill v. SRWMD; Order denying certification to Florida Supreme Court , entered May 25, 2018.

Appeal no.: 1D18-0048; Hill v. SRWMD; Per Curiam Affirmed w/o written opinion, entered July 26, 2019.

Appeal no.: 1D18-0048; Hill v. SRWMD; Rehear denied, clarification denied, & written opinion denied, entered October 4, 2019.

### **RELATED FLORIDA SUPREME COURT PROCEEDINGS**

Case no.: SC09-867; El Rancho No Tengo, Inc. v. SRWMD; Review denied, entered May 27, 2009.

Case no.: SC15-1568; Hill v. SRWMD; Order denying Review (dismissed), entered August 26, 2015.

Case no. SC16-826; Hill v. SRWMD; Order of dismissal, entered May 16, 2016.

Case no.; SC16-826; Hill v. SRWMD; Order striking Hill's Motion, entered September 30, 2016.

Case no.: SC17-2221; Hill v. SRWMD; Clerk dismissed petition, entered February 27, 2017.

Case no.: SC17-1407; Hill v. SRWMD; Clerk transfers petition to Florida First District Court of Appeal on August 2, 2017.

Case no.: SC17-1833; Hill v. SRWMD; Clerk transfers motion to Florida First District Court of Appeal on December 1, 2017.

Case no.: SC17-1407; Hill v. SRWMD; Clerk strikes review as untimely, entered April 30, 2018.

Case no.: SC18-651; Hill v. SRWMD; Order dismissing for lack of jurisdiction, entered May 1, 2018.

**RELATED U. S. BANKRUPTCY COURT  
PROCEEDINGS**

Case no.: 3:08-bk-7279, Debtor El Rancho No Tengo, Inc., dismissed on May 14, 2009.

Case no.: 3:11-bk-3247; Debtor Jeffrey Lance Hill, Sr. (Hill) ; dismissed on March 23, 2012.

Case no.: 3:11-bk-3247; Debtor Hill, Sr.; Order denying rehear, entered May 3, 2012.

Case no.: 3:08-bk-7279; Debtor El Rancho No Tengo, Inc.; Order denying reopen, entered Dec. 23, 2014.

Case no.; 3:15-bk-1290; Debtor Hill, Sr.; Order granting relief to SRWMD, entered April 27, 2015.

Case no.: 3:15-bk-1290; Debtor Hill, Sr.; Order denying reconsideration and denied stay entered July 24, 2015.

Case no.: 3:15-bk-1290; Debtor Hill, Sr.; Order denying stay entered Sept. 4, 2015.

Case no.: 3:15-bk-1290; Debtor Hill, Sr.; Order granting dismissal entered June 24, 2016.

**RELATED U.S. DISTRICT COURT  
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Case no.: 3:12-cv-0860; Jeffrey Lance Hill, Sr. (Hill) v. SRWMD; Order to pursue good faith settlement, entered on August 5, 2013.

Case no.: 3:12-cv-0860; Hill v. SRWMD; Order affirming bankruptcy dismissal, entered on January 24, 2014.

Case no.: 3:12-cv-0860; Hill v. SRWMD; Order granting Hill proceed without prepaying fee, appeal has merit, and is not frivolous, entered on February 24, 2014.

Case no.: 3:14-cv- 0326; Hill v. SRWMD; Order to pay \$400.00 fee, entered on June 25<sup>th</sup> 2014.

Case no.: 3:14-cv-0326; Hill v. SRWMD; Order of Dismissal w/o prejudice entered September 2, 2014.

Case no.: 3:15-cv-0074; Debtor El Rancho No Tengo, Inc. w/ Jeffrey L. Hill, Sr.; Order sua sponte striking and dismissing appeal entered on May 13, 2015.

Case no.: 3:15-cv-1013; Hill v. SRWMD; Order of dismissal as moot entered on February 29, 2016.

Case no.: 3:15-cv-1445: Hill v. SRWMD; Order of dismissal entered on February 29<sup>th</sup>, 2016.

Case no.: 3:15-cv-0169; Jeffrey Lance Hill, Sr., Joshua Seth Hill, Linda P. Hill, Jeffrey L. Hill, Jr.,

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Case no.: 3:15-cv-1475; Jeffrey Lance Hill, Sr. (Hill) and Linda P. Hill v. SRWMD; Order of dismissal entered on February 29, 2016.

Case no.: 3:17-cv-1342-HLA; Hill v. Johnson, et al; SRWMD's motion for fees denied w/o prejudice to refile entered July 30, 2018.

Case no.: 3:17-1342-HLA; Hill v. Johnson, et al; Order granting SRWMD sanctions, denying rehear, denying stay of property tax and denying continuance entered May 18, 2018.

Case no.; 3:17-1342-HLA; Hill v. Johnson, et al; Order to hold hearing for SRWMD entered April 11, 2018.

Case no.: 3:17-1342-HLA; Hill v. Johnson, et al; Order sua sponte dismissal entered January 4, 2018.

#### **RELATED U. S. CIRCUIT COURT PROCEEDINGS**

Appeal no.: 14-10609- BB; Jeffrey Lance Hill, Sr. v. SRWMD; Order denying stay entered Oct. 9, 2014.

Appeal no.: 14-10609-BB; Jeffrey Lance Hill, Sr. v. SRWMD; Opinion affirming District Court, barring relitigating; entered on November 19, 2014.

Appeal no.: 14-10609-BB; Jeffrey Lance Hill, Sr. v. SRWMD; Rehear denied, entered January 21, 2015.



Appeal no.: 16-11387-FF; Jeffrey Lance Hill, Sr.(Hill) v. SRWMD; Appeal dismissed as moot, entered on July 18, 2016.

Appeal no. 16-11387-FF; Hill v. SRWMD; Reconsideration denied on September 30, 2016.

Appeal no.: 18-12215-AA; Hill v. Johnson, et al; Opinion affirming District Court entered September 20, 2019.

Appeal no.: 18-12215-AA; Hill v. Johnson, et al; Rehear and en banc review denied on November 6, 2019.

Appeal no.: 18-12215-AA; Hill v. Johnson, et al; Order denying stay of mandate; entered November 21, 2019.

**RELATED UNITED STATES SUPREME  
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## **PETITION FOR WRIT OF CERTIORARI**

Petitioner Jeffrey Lance Hill, Sr. (hereinafter 'Hill') respectfully petitions to this Honorable Court for a writ of certiorari to review the opinion of the Eleventh Circuit Court of Appeals and the underlying judgment of the Florida state court.

### **OPINIONS BELOW**

The 11<sup>th</sup> Circuit Court of Appeals' denial of rehearing and en banc review entered November 6, 2019, case no.: 18-12215, is reported at 2019 U.S. at App. LEXIS 33275 and is reproduced in Petitioner's Appendix (Pet. App.) A-1 thru A-3.

The opinion of the 11<sup>th</sup> Circuit Court of Appeals entered September 20, 2019, case no.: 18-12215, is reported at 787 Fed. Appx. 604 and is reproduced in Pet. App. A-4 thru A-11.

The order of the U.S. District Court entered on July 30, 2018, case no.: 3:17-cv-1342, is reproduced at Pet. App. A-12.

The order by the U.S. District court entered May 18, 2018, case no.: 3:17-cv-1342, is reproduced in Pet. App. A-13 thru A-17.

The order of the U.S. District Court entered on April 11, 2018, case no.: 3:17-cv-1342, is reproduced in Pet. App. A-18.

The order of the U.S. District Court entered January 4, 2018, case no.: 3:17-cv-1342, is reproduced in Pet. App. A-19 thru A-21.

The opinion of the Florida First District Court of Appeal entered on April 18, 2017, appeal no.: 1D16-3343, is reported at 217 So. 3d 1100 and is reproduced in Pet. App. A-22 thru A- 28.

The order of the 11<sup>th</sup> Circuit Court of Appeals, case no.: 16-11387, entered July 18, 2016 is reproduced in Pet. App. A-29 thru A-30.

The order of the 11<sup>th</sup> Circuit Court of Appeals, case no. 16-11387, entered September 30, 2016 is reproduced in Pet. App. A-31 thru A-32.

The order of the 11<sup>th</sup> Circuit Court of Appeals, case no.; 14-10609, entered January 26, 2015 is reproduced in Pet. App. A-33.

The order of the 11<sup>th</sup> Circuit Court of Appeals, case no.: 14-10609, entered November 19, 2014 is reported at 583 Fed. Appx. 894 and is reproduced in Pet. App. A-34 thru A-37.

#### **STATEMENT OF JURISDICTION in this COURT**

On September 20, 2019, the 11<sup>th</sup> Circuit Court of Appeals entered its opinion of which review is sought in this court. On November 6, 2019, the 11<sup>th</sup> Circuit Court denied rehearing and en banc review, making their decision final. This Honorable Court has

supervisory power over all courts under Title 28 U.S.C. sections 1254(1) , 1257(a) and Rule 10, United States Supreme Court Rules.

### **CONSTITUTIONAL PROVISIONS AT ISSUE**

The Takings Clause of the United States Constitution provides that “nor shall private property be taken for public use, without just compensation”, U. S. Constitution Amendment V.

The Seventh Amendment provides, in relevant part, that “where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved”.

The Eighth Amendment to the United States Constitution provides that “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”.

The Fourteenth Amendment to the United States Constitution provides, in relevant part, that no state shall “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”; U.S. Constitution Amendment XIV, section 1.

### **STATUTES INVOLVED**

Title 42 USC section 1982 provides; “All citizens of the United States shall have the same right, in every state and territory, as is enjoyed by white citizens

thereof to inherit, purchase, lease, sell, hold and convey real and personal property”.

Title 42 USC section 1983 provides, in relevant part, “Every person who, under color of any statute, ordinance, custom or usage of any State .... subjects, or causes to be subjected, any citizen .... to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured ....”.

Title 42 USC section 1985(3) provides, in relevant part, “If two or more persons ....conspire .... for the purpose of depriving, either directly or indirectly, any person or class of persons the equal protection of the laws ....the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators”.

Florida Statute 403.813(1)(g) provides, in relevant part; “a permit is not required under this chapter (Chapter 373) .....Laws of Florida, for activities associated with the following types of projects ..... the maintenance of existing dikes”.

Florida Statute 403.813(1)(h) provides, in relevant part; “a permit is not required for ..... the repair or replacement of existing functional pipes or culverts”.

Florida Statute 373.406(1) provides; “Nothing herein, or in any rule, regulation or order adopted pursuant hereto, shall be construed to affect the

right of any person to capture, discharge, and use water for purposes permitted by law”.

#### A. STATEMENT OF THE CASE

“So you already have a pipe. But in order to replace it, you’ve got to get a permit? That’s what they’re telling you?”; “Maybe something here has just gotten off the rails”; “It’s not right the way it is”; quotations of the District Court on July 29<sup>th</sup> 2013; Pet. App. H-1 – H-4; (entire transcript is in Hill’s appendix to case no.:18-12215). The Florida trial court’s errant opinions are the beginning of this controversy when the court disregarded state law and the United States Constitution by allowing Suwannee River Water Management District, (hereinafter, ‘the agency’) to demand an unnecessary permit; case no. 06-203 CA; Pet. App. F-1 – F-5. The state court has far departed from the accepted and usual course of proceedings. “We’re dealing with — an agency can only act in accordance with the authority that’s extended to it”; stated by the First District Court of Appeal during oral argument on Feb. 12, 2009; Pet App. E-1. The Federal District Court and the 11<sup>th</sup> Circuit court have sanctioned this departure by sua sponte dismissal and affirmance. The 11th circuit court’s opinion bars Hill’s constitutional right to due process and access to the courts. The opinion allows taking of real property without just compensation.

## B. MATERIAL FACTS

Hill's parents purchased 800 acres more or less in sections 3, 4, & 5, Range 17 East, Township 4 South, Columbia County, Florida in year 1950. Pet. App. R-1 thru R-3.

In year 1971, Hill's parents placed most of the farmland into a Florida Corporate name (El Rancho No Tengo, Inc.), with only immediate family as shareholders.

The agency sued Hill, His father and El Rancho No Tengo, Inc. in 1989, demanding the Hills obtain a permit to maintain a dike (case no. 89-22CA). The Hills prevailed, the agency's complaint was dismissed in the state trial court; Pet. App. D-84 – D-96. Hill obtained a judgment for costs and fees against the agency in year 1990.

Hill replaced a rusted culvert pipe on His farm in May, 2006. The pipe was originally installed in year 1966 by Hill and His father; Pet. App. D-62.

Hill's farm is actively registered with the United States Department of Agriculture, Farm Service Agency as Farm number 2102, with agricultural crop allotments.. The land the agency claims, (Pet. App. I-1 –I-4), is in Farm no. 2102.

Suwannee River Water Management District is an agency of the State of Florida.

The agency began its permitting program in year 1986; Pet. App. D-61.

The agency has an annual budget of ~65 million dollars of public funds.

The agency conducts its business at its headquarters in Suwannee County, Florida.

The agency sued Hill's farm on May 26, 2006 demanding a permit be obtained from them for Hill to replace an existing culvert pipe on Hill's farm; case no.: 06-203 CA; Pet. App. F-1 thru F-5.

Hill and His wife purchased adjacent 120 acres in 1997, Section 4, R17E, TS4South, Columbia County, Florida; Pet. App. G-1 thru G-5.

### **C. PROCEDURAL HISTORY of THIS APPEAL**

Petitioner Hill filed a complaint in the U. S. District Court, Middle District of Florida, (case no. 3:17-cv-1342-HLA) on November 30, 2017.

The District Court sua sponte dismissed Hill's complaint on January 4, 2018 without development of the facts. The dismissal evades jury trial. Pet. App. A-19 – A-21.

Hill filed a motion to stay the enforcement of property taxes on subject property; the District Court denied on May 18, 2018; Pet App. A-13 – A-17.

The District Court rendered a decision granting agency's motion for sanctions against Hill on May 18, 2018; Pet. App. A-13 – A-17.

The District Court has jurisdiction under Title 28 USC section 1331 and 1367(a).

Hill timely filed an appeal to the U. S. Court of Appeals, 11<sup>th</sup> Circuit, on May 25<sup>th</sup>, 2018. The 11<sup>th</sup> circuit entered its opinion affirming the district court on September 20, 2019. The decision became final when the 11<sup>th</sup> circuit denied rehearing and en banc review on November 6, 2019.

#### **D. JUDGMENTS for REVIEW and QUESTIONS**

The state court judgment(s) to be reviewed:

- i. The state court judgment rendered in case no.: 06-203CA on August 6, 2007; Pet. App. D-59 thru D-83.
- ii. The state court judgment rendered in case no. 06-203CA on April 25, 2008; Pet. App. D-55 thru D-58.
- iii. The state court judgments rendered in case no. 06-203CA on May 3, 2010; D-30 thru D- 42 and March 15, 2010; Pet. App. D-43 – D-50.

The federal questions sought to be reviewed were raised in the Florida First District Court of Appeal in appeal no. 1D07-4185 on November 26, 2007 and in appeal no. 1D08-4568 on September 11, 2008. The court consolidated the appeals. The questions were raised in summary of arguments and in arguments; Pet. App. J-1 thru J-2. The court refused to answer the questions presented, instead, the Florida First District Court of Appeal affirmed the state court



without written opinion in both appeals and refused to write opinion on April 2, 2009; Pet. App. D-54. The Florida Supreme Court refused review on May 27, 2009 (case no. SC09-867); Pet. App. D-53. The questions were raised again in the Florida First District Court of Appeal in appeal no.: 1D18-0048 and that court refused to answer by per curiam affirming w/o written opinion on July 26, 2019; Pet. App. L-1. That court denied rehear, denied clarification, and denied written opinion on October 4, 2019; Pet. App. L-2 – L- 3.

The federal questions sought to be reviewed were raised by the Federal District Court itself during hearing on July 29<sup>th</sup>, 2013 (case no. 3:12-cv-0860); Pet. App. H-1 – H-4. The District Court has not answered the questions, instead, the district court affirmed; Pet. App. C-17 – C-19. Hill timely appealed to the 11<sup>th</sup> Circuit and the court affirmed(ignoring the federal questions) on November 19, 2014; Pet. App. A-33 thru A-37.

The federal questions sought to be reviewed were raised again in the United States District Court (Plaintiff's Complaint, case no. 3:17-cv-1342-HLA), entered 1-18-18; Docket 15, 16, 17). The District Court sua sponte dismissed the case without consideration of the questions; Pet. App. A-19 -A- 21.

. The federal questions sought to be reviewed were raised again in the United States Court of Appeals for the Eleventh Circuit (in Appellant's brief, case no. 18-12215-AA, entered in record on 7-5-2018). The

Eleventh Circuit refused to answer, affirming the District Court's dismissal by application of the Rooker-Feldman doctrine on September 20, 2019; Pet. App. A-4 thru A-11. The Eleventh Circuit denied rehearing and en banc review on November 6, 2019; Pet. App. A-1 thru A-3. The U.S. Court of Appeals for the Eleventh Circuit has jurisdiction under Title 28 U.S.C. section 1291.

### **REASONS FOR GRANTING THE WRIT**

#### **I. THE \$100,000.00 FINE VIOLATES THE U.S. CONSTITUTION, AMENDMENT VIII**

This matter is of great importance because, if left unchanged, it is precedent that adversely affects all farmers and landowners in the state of Florida. In this instance, the precedent set by both the state and federal courts abrogates the constitutionally protected right barring excessive, unusual fines, the right to own land, earn a living from the land, due process and the right to a jury to decide the value of the land taken. The precedent would allow state agencies, cities and counties to take real property without just compensation. Without review by this court, private property rights are no longer constitutionally protected in Florida. The agency's demand was a plan of out and out extortion. Eminent domain laws are adversely affected or abrogated by the lower courts' decisions. Currently, the agency is using 60 acres of Hill's land to store

surface water; Pet. App. case A-22 – A-28, D-1 thru D-11 & D-43. The county and city are using 90 acres to distribute and sell potable water without any payment to the Hill family; Pet. App. O-1. In *Armstrong v. United States*, 364 U.S. 40,49 (1960); this Court held; governments are barred “from some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole”. The Florida Court’s opinions and orders in case no.:06-203CA are a far departure from the accepted and usual course of judicial proceedings. The \$100,000.00 fine imposed is excessive and unusual. In *United States v. Bajakajuan*, this court held that a fine is considered excessive if “it is grossly disproportional to the gravity of the defendant’s offense”. Hill’s farm was fined \$100,000.00 for failing to obtain a permit to make necessary repairs to His dike that had been in existence much longer than the agency itself. Florida Statute 403.813 (1)(h); (Pet. App. K-6) specifically and particular provides that Hill did not need a permit to replace an existing pipe. Hill was operating and maintaining His farm in accordance with long established state and federal law. The state court’s judgments are void ab initio. The state court’s “original final order” dated August 6, 2007, Pet. App. D-59 - D-83, found there was a potential for future problems, yet none had been demonstrated and none have occurred since; the judgment is purely speculative; Pet. App. D-69, lines 14-16. One could say that there is a significant likelihood that any dam or dike may fail. In case no.: 06-203 CA,

Florida Statute 373.129 is referred to in the state court's order for imposition of penalties at the absolute unbridled whim of the trial court judge; Pet. App. D-57. F.S. 373.129 which sets civil penalties up to \$10,000.00 per offense per day, with no guidance whatsoever as to how to determine, in a particular instance, when the fine is \$1.00 per offense per day or \$10,000.00 per offense per day. For determination of amount of penalties; in *United Mine Workers*, 330 U.S. 258, at 304, 67 S.Ct. at 701, this court held; "consider the character and magnitude of the harm". No hearing was held to determine Defendant's ability to pay, the character and magnitude of the harm, the penalty's proportion to the gravity of the offense or the seriousness of the burden on the Defendant. Hill replacing the rusted pipe improved the structural integrity of the dike, returned the dike to its original elevation and has caused no harm; Pet. App. D-66, lines 15-17 and Pet. App. F-4, para 13. The state court, in this case, has written new law to unjustly punish Hill, legislating from the bench. These judgments tarnish the public's perception of the lower courts and do not pass the common sense test. On July 29, 2013, the District court judge referred to the agency's action as a train wreck; Pet App. H-4. Real property should not be taken by government without paying for it by way of demanding a permit, creating excessive attorney fees and imposing an unconstitutional, excessive fine. Pet. App. A-28. The trial court granted the agency quasi-judicial immunity to take Hill's land; Pet. App.

D-1 thru D-11, later, that decision was reversed; Pet. App. A-22 thru A-28.

## II. ABSENCE OF LEGAL AUTHORITY

Respondent Suwannee River Water Management District, (the agency) acted without authority extended to it by the Florida Legislature; see Florida Statutes 403.813(1)(g)&(h); Pet. App. K-5 – K-6; and F.S. 373.406(1). Florida law clearly and particularly provide that Hill does not need a permit to replace an existing pipe. In the state court case, the agency demands Hill's farm obtain a permit to replace a rusted pipe, Pet. App. F-1 – F-5. Such a demand is forbidden under Florida law. Further, the demand is not consistent with the purpose of the state's permitting process. The process was created to regulate and reduce adverse environmental impact. Hill's pipe was installed in 1966; Pet. App. D-62, para 6. Replacing that pipe creates no environmental impact whatsoever. Whatever the impact, good or bad, that impact occurred in 1966. The U.S. Soil and Water conservation Service aided and approved the construction of the irrigation pond in 1966; Pet. App. D-62, para 6. The agency's actions are a personal vendetta. The agency made obtaining the permit cost prohibitive and, of course, later the agency can deny the permit, essentially taking the land; although an unreasonable cost is contrary to this court's recent decision in *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013). The agency's actions also conflict with this court's holdings in *Nollan*, 483 U.S. 825(1987) and *Dolan*,

512 U.S. 374(1994), in which there must be a direct connection between the cost of a permit and the amount of environmental impact caused. In year 2006, the agency demanded Hill's farm hire an geotechnical engineer of their choice and many other 'requirements', at a cost of \$300.000.00 when submitting application for the permit; Pet App. M-1. This court has held that such a demand is an unlawful taking in itself; see *Koontz*. The agency was without legal and prudential standing to begin the action in state court case no. 06-203CA; *Warth v. Seldin*, 422 U.S. 490, 518 (1975); *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). In *Warth*, page 490, this court held; "the threshold requirement of such rules that to have standing a complainant must clearly allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute and the exercise of the court's remedial powers". During oral argument in appeal no. 1D08-2568 on February 12<sup>th</sup>, 2009, Judge Michael Allen said; "We're dealing with --- an agency can only act in accordance with the authority extended to it"; Pet. App. E-1. The agency was not a proper party as they were barred from taking the action by state law (403.813 (1)(g)(h) & 373.406(1) and the U.S. Constitution Amendment XIV. The state court's prediction that Hill's dike will break is entirely speculative and hypothetical; Pet. App. D-69, para 29. The agency's position does not fulfill the three elements described by this court in *Lujan*, pages 560 & 561, in which the injury cannot be conjectural or hypothetical and the injury cannot be caused by the independent action of a third party.

Hill replaced the pipe and was not named in the action. The agency did not possess the elements of standing as required by state law or federal law; therefore, the judgment is void ab initio.

### III. ABSENCE OF JURISDICTION IN STATE COURT CASE NO.: 06-203 CA

The state court lacked subject matter jurisdiction and its judgments against Hill's family farm are void ab initio. In *Cooper v. Reynolds*, 77 U.S. 308 (1869), page 317; this court held; "The powers to render the decree or judgment which the court may undertake to make in the particular cause depends upon the nature and extent of the authority vested in it by law in regard to the subject matter in the cause". In this matter, jurisdiction was absent in the state court. Florida law specifically and particularly states Hill did not need a permit from the agency to replace a pipe; see F.S. 403.813(1)(g)&(h) and F.S. 373.406(1). The state court's judgments ultimately took Hill's farm without just compensation violating the Takings Clause of the United States Constitution and are contrary to this court's holding in *Stop the Beach Renourishment v. Florida Dept. of Environmental Protection*, 560 U.S. 702, (2010). The *Stop* case is recited in *Hill v. SRWMD*, Appeal no. 1D16-3343; Pet App. A- 28. The state court, in this case, has written new law, legislating from the bench and ultimately taking Hill's land without paying for it. When the state court awarded \$100,000.00 to the agency, it placed Hill in a class of one. No other person has ever been fined \$100,000.00 for replacing

a pipe, nor is there any provision in Florida law for such a penalty. Subsequent to the awards to the agency by the state court, the agency filed a civil action to foreclose and take about half of Hill's farm; Pet. App. D-19 – D-27. In 2017, the city and county joined in on the agency's free land grab; Pet App. P-1 – P-5 and Pet. App. Q-1. In its abandonment letter to the county, the agency admits misapplication of the law; Pet. App. N-3, lines 21 & 22. The agency admits that part of the water lines lie on real property belonging to other parties; Pet. App. O-1, lines 16 & 17. The agency enticed the city and county to unite with their interests by paying \$55,740.00 to city and county; Pet. App. O-1. Subsequently, the county sued Hill's son and SRWMD; Pet. App. P-1 – P-5. Currently, the City and County, who have united their interests with the agency, are using portions of Hill's land to distribute and sell potable water without payment, without survey, without appraisal; Pet. App. Q-1. Ultimately, the agency claims ownership of Hill's land in section 3, TS4 South, Range 17 East; Pet App. I-1 – I-4. As recently as February 12&15, 2019, the County, through its receiver, dug into Hill's private property to extend a water line more than 125 feet, without survey, appraisal or payment to Hill; Pet. App. S-1. The property encroached upon by the County in February, 2019, is not a part of the property claimed by the agency, but lies in an adjacent forty acres belonging to Hill and His wife.



#### IV. THE 11<sup>TH</sup> CIRCUIT DIRECTLY CONFLICTS ITS OWN DECISIONS AND OPINIONS

The Eleventh Circuit court erred when it affirmed the District Court's dismissal by application of the Rooker-Feldman Doctrine. Its decision conflicts with its own decision in *Nicholson v. Shafe*, 558 F.3d 1266 (11<sup>th</sup> Cir. 2009); Pet. App. T-1 thru T-30. In *Nicholson*, the court held; "The mere relitigation of a claim does not deprive federal courts of jurisdiction under Rooker-Feldman"; Id. page 1274. In the instant opinion, the court holds; " Hill's complaint sought to relitigate the various state court judgments entered against his farm and seek relief from the alleged damages resulting from those prior judgments. Thus, Hill's claims were barred by the Rooker-Feldman doctrine,"; Pet App. A-9, lines 16-20. Also, Rooker-Feldman is inapplicable in this instance because Hill was not named in the agency's action in state court; Pet. App. F-1; although Hill was an indispensable party and real party in interest. The opinion does not mention the amount of the \$100,000.00 fine at all. The Rooker-Feldman Doctrine is not applicable to bar review of a state court judgment that is void ab initio. None of the cases cited by the 11<sup>th</sup> Circuit are on point, that is, none involve taking of real property without paying for it; Pet. App. B-1 – B-390. The 11<sup>th</sup> Circuit's opinion bars Hill from seeking relief in federal court and violates the right to due process that is provided to all citizens by Amendment XIV of the United States Constitution.

**V. THE DISTRICT COURT AND THE 11<sup>TH</sup>  
CIRCUIT DIRECTLY CONFLICT WITH THIS  
COURT**

The District Court's order sua sponte dismissing Hill's complaint conflicts with this Court's holdings in *Neitzke v. Williams*, 490 U.S. 325, (1989) & *Conley v. Gibson*, 355 U.S. 41,(1957). In *Neitzke*; this court held; The District court should dismiss "only if the Petitioner cannot make any rational argument in law or fact which would entitle him or her to relief"; Id. at 322, 323. The district court abused its discretion. A real property takings claim is per se, meaning it stands alone on its own merits. The Defendants/Respondents do not and cannot deny taking the property from Hill; Pet. App.I-1 – I-4. The 11<sup>th</sup> Circuit admits, in its opinion, that the District Court erred by applying 28 USC 1915(e)(2)(B) in dismissing Hill's complaint. In *Conley*, this court opined; "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief"; Id. At 45, 46; "Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim"; Id. at 47. In *Haines v. Kerner*, 404 U.S. 519 (1972), page 521, this court states that Hill is entitled to offer proof (before dismissal). The District court dismissed Hill's complaint without any finding of fact. The 11<sup>th</sup> Circuit Court sanctioned the District Court's departure from this court's supervision. The 11<sup>th</sup> Circuit's opinion is in conflict with this court's

holdings in *Verizon Md. v. Public Service Comm. of Maryland*, 535 U.S. 635, (2002) and *Exxon Mobil v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005). In *Verizon*, this court held; “The Rooker-Feldman Doctrine has no application to judicial review of executive action, including determinations by an state administrative agency”; Id. at 644. Suwannee River Water Management District is such an agency. In *Exxon*, this court held; “Nor does section 1257 stop a District Court from exercising subject matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court”; Id. at 293. Further, in *Exxon*, this court held; “Rooker-Feldman does not apply to a suit seeking review of a state agency action”; page 287. The opinion of the 11th circuit conflicts with *Exxon* in that *Exxon* makes it clear that: Rooker-Feldman “is confined to cases of the kind from which it acquired its name”. The Rooker-Feldman Doctrine is not a vehicle for government to take land without paying for it. The state courts, on numerous occasions, have refused to answer the federal questions presented in this matter, Pet. Apps. D-12, D-13, D-15, D-16, D-17, D-18, E-1, E-2, J-1, J-2; therefore, the state court case has not ended. Hill brought this matter to the district court in 2012, case 3:12-cv-0860, and obtained no relief; Pet. App. C-17 – C-18. In *Johnson v. DeGrandy*, 512 U.S. 997, 1005-06, (1994); this court held; “the doctrine has no application to a federal suit brought by a non-party to the state suit”, page 1006. Although an indispensable party and real

party in interest, Hill was not named in the agency's action in state court case no. 06-203 CA; Pet. F-1 – F-5. Further, Hill was the party who replaced the pipe, El Rancho No Tengo, Inc. was not. For an agency of the state to demand a permit for an existing structure, impose an excessive fine, create excessive attorney fees and take real property by and through these actions is unacceptable. This court held in *United Mine Workers of America v. Gibbs* (1966); “The Federal Courts are particularly appropriate bodies for the application of preemption principles”; Id. at 729. The agency's actions are contrary to the laws of eminent domain and conflict with this court's holding in *Stop the Beach Renourishment, Inc. v. Fla. Dept. of Env'tl. Prot.*, 560 U.S. 702, 715(2010); in which this court held; “The Takings Clause bars the State from taking private property without paying for it, no matter which branch is the instrument of the taking”; recited in *Hill v. SRWMD*, 1D16-3343; Pet. App. A-22 – A-28. The agency does not possess the power of eminent domain in Florida. This Honorable Court should exercise its supervisory power in order to align this matter with established law and the United States Constitution.

**VI. THE OPINIONS OF THE 11<sup>TH</sup> CIRCUIT  
AND THE DISTRICT COURT VIOLATE  
AMENDMENTS V, VII and XIV OF THE U. S.  
CONSTITUTION**


The 11<sup>th</sup> circuit's opinion forever bars Hill from seeking relief in the federal courts. Hill's property

has been taken without due process of law, without trial by jury, and without just compensation; Pet. App. I-1 – I-4. Hill's private property has been taken for public use without just compensation; Pet. App. O-1. The rights provided by Amendments V and XIV were denied when the district court sua sponte dismissed Hill's complaint and when the 11<sup>th</sup> circuit affirmed that decision. Amendment VII provides Hill the right of trial by jury; that constitutionally protected right has been denied in the District court case no. 3:17-cv-1342 and denied in state court case no. 11-340 CA. In both those land takings cases, Hill demanded a jury trial and the demand was ignored. If the decisions are left unchanged, Hill is denied the right to due process and equal protection of the laws as guaranteed by Amendment XIV.

### CONCLUSION

The writ should be granted and Petitioner prays this Court summarily declare the \$100,000.00 fine unconstitutional.

Dated: 2-4-2020

Respectfully submitted by: 

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