

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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IN RE RILEY,

Petitioner,  
v.

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ON PETITION FOR A WRIT OF MANDAMUS/PROHIBITION

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PETITIONER'S MANDAMUS/PROHIBITION WRIT APPENDIX

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March 3, 2021

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

BARBARA RILEY,

Plaintiff,

vs.

Case no. 3:19-cv-1433-J-20JBT

UNITED STATES OF AMERICA,

Defendant.

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**DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE**

Defendant United States of America hereby moves to dismiss the plaintiff's Petition Verified for Violations of Due Process with Demand for Jury Trial on All Claims (Dkt. 1; "the Petition") pursuant to Fed. R. Civ. P. 12(b)(1) and (6), with prejudice, for the following reasons.

**Allegations of the Complaint**

The plaintiff appears *pro se* and alleges five causes of action under the Federal Tort Claims Act. Her Petition is an unhinged, incoherent screed complaining that a host of federal judges in the Middle District of Florida, Eastern District of New York, and the Court of Federal Claims, as well as the Clerks and Deputy Clerks of Court for those tribunals, acted to deprive the plaintiff of her property through their rulings and actions in a number of separate lawsuits filed in myriad forums.

Although the Petition lies against a single named defendant, the United States, it alleges the conduct of the following judges and judicial personnel as the basis for the harm claimed:

United States District Judge Brian M. Cogan (E.D.N.Y.);  
Senior United States District Judge Dora Lizette Irizarry (E.D.N.Y.);  
Senior United States District Judge Carol Bagley Amon (E.D.N.Y.);  
United States District Judge Marcia Morales Howard (M.D. Fla.);  
United States Court of Federal Claims Judge Lydia Kay Griggsby;  
United States Magistrate Judge Roanne L. Mann (E.D.N.Y.);  
United States District Court Clerk Douglas C. Palmer (E.D.N.Y.);  
United States District Court Clerk Sheryl L. Loesch (M.D. Fla.);  
United States Court of Federal Claims Clerk Lisa L. Reyes;  
United States District Court Deputy Clerk Janet Hamilton (E.D.N.Y.);  
United States District Court Deputy Clerk Betsy Davis (M.D. Fla.); and  
United States Court of Federal Claims Deputy Clerk Anthony Curry.

*See* Dkt. 1, at 1-2. According to the plaintiff, the judicial officers acted unconstitutionally in dismissing plaintiff's claims in those lawsuits, *id.* at 2, and further that the court personnel "directly or indirectly, [have] received proceeds from a pattern of trafficking in stolen Titles to real property through the years of 1976-2019 ongoing." *Id.* at 5, ¶ 9. The plaintiff alleges that "the federal judiciary personnel had engaged in fraud upon the federal courts through the years of 2014 to 2019," *id.* at 5,

¶ 17, and “[t]hat fraud upon a federal court immediately removes jurisdiction from that court and vitiates every decision of that court from that point on.” *Id.* at 6 ¶ 18.

Count I seeks \$6,001,410 in money damages arising from the acts of Clerk of Court Douglas Palmer, Deputy Clerk Janet Hamilton, and District Judge Brian Cogan in connection with litigation filed by the plaintiff in the Eastern District of New York under Case no. 14-cv-4482. *Id.* at 6, ¶¶ 26-27. The docket for this case is attached as Exhibit A. The plaintiff paid Clerk of Court Palmer certain filing fees, *id.* at 7, ¶¶ 31-32, 39, Judge Cogan dismissed the plaintiff’s complaint, *id.* at 7, ¶¶ 34, 36, and the Deputy Clerk Hamilton entered judgment on the order. *Id.* at 7, ¶¶ 35, 37. These acts were allegedly done “for personal financial gain.” *Id.* at 7-8, ¶¶ 34-36.

Count II seeks \$4,534,755 in money damages arising from the acts of Clerk of Court Douglas Palmer, Deputy Clerk Janet Hamilton, and District Judges Cogan, Carol Amon, and Dora Irizarry, and Magistrate Roanne Mann in connection with litigation filed by the plaintiff in the Eastern District of New York under case number 15-cv-5022. The docket for this case is attached as Exhibit B. Judge Cogan “allowed himself to be removed” from the case, *id.* at 9, ¶ 50, and Judge Amon “unconstitutionally assigned [the case] to Judge Irizarry.” *Id.* at 10, ¶ 51. Magistrate Mann recommended dismissal in a report and recommendation, *id.* at 10, ¶ 53, which was adopted by Judge Irizarry. *Id.* at 10, ¶ 54. These acts were all allegedly undertaken for “personal financial gain.” *Id.* at 10, ¶¶ 53-55. The plaintiff unsuccessfully appealed. *Id.* at 10, ¶ 58.

Count III seeks \$3,000,905 in money damages for the conduct of Clerk of Court Sheryl Loesch, Judge Marcia Morales Howard, and Deputy Clerk of Court Betsy Davis in connection with litigation filed in the Middle District of Florida under case no. 16-cv-898. *Id.* at 11, ¶ 63. The docket for this case is attached as Exhibit C. The plaintiff paid certain fees to Clerk of Court Loesch, *id.* at ¶¶ 67, 73, 74, and Judge Howard dismissed the plaintiff's complaint. *Id.* at 12, ¶ 69. Deputy Clerk Davis entered judgment on the dismissal. *Id.* at 12, ¶ 70. These acts were undertaken for "personal financial gain." *Id.* at 11-12, ¶¶ 65, 69, 70. The plaintiff unsuccessfully appealed. *Id.* at 12, ¶¶ 73-74.

Count IV seeks \$3,000,905 in money damages for the conduct of Clerk of Court Sheryl Loesch, Judge Marcia Morales Howard, and Deputy Clerk of Court Betsy Davis in connection with litigation filed in the Middle District of Florida under case no. 16-cv-961. *Id.* at 13, ¶ 79. The docket for this case is attached as Exhibit D. The plaintiff paid certain fees to Clerk of Court Loesch, *id.* at 14, ¶¶ 83, 89, 90, and Judge Howard dismissed the plaintiff's complaint. *Id.* at 14, ¶ 85. Deputy Clerk Davis entered judgment on the dismissal. *Id.* at 14, ¶ 86. These acts were undertaken for "personal financial gain." *Id.* at 14, ¶¶ 81, 85, 86. The plaintiff unsuccessfully appealed. *Id.* at 14, ¶¶ 89-90.

Count V seeks \$9,000,400 in money damages for the conduct of Clerk of Court Lisa Reyes, United States Court of Federal Claims Judge Lydia Kay Griggsby, and Deputy Clerk of Court Anthony Curry in connection with litigation filed in the Court of Federal Claims under case no. 18-cv-1270. *Id.* at 15, ¶ 95. The docket for

this case is attached as Exhibit E. The plaintiff paid certain filing fees to Deputy Clerk Reyes, *id.* at 16, ¶ 99, and Judge Griggsby dismissed the plaintiff's complaint in case no. 18-cv-1270. *Id.* at 16, ¶ 101. Deputy Clerk Curry entered judgment on the dismissal. *Id.* at 16, ¶ 102. These acts were allegedly undertaken for "personal financial gain." *Id.* at 16, ¶¶ 97, 101, 102.

For the reasons set forth below, this complaint should be dismissed with prejudice for lack of subject matter jurisdiction and for failure to state a cognizable claim for relief.

#### Legal Argument

##### I. Legal standards

Rule 12(b)(1) requires dismissal of an action if the Court lacks subject matter jurisdiction. Under this rule, the allegations of the complaint should be construed in a light most favorable to the pleader. *Scheuer v. Rhodes*, 416 U.S. 232, 237 (1974); *Cole v. United States*, 755 F.2d 873, 878 (11th Cir.1985). Attacks on subject matter jurisdiction can be facial or factual. *Carmichael v. Kellogg, Brown & Root Servs., Inc.*, 572 F.3d 1271, 1279 (11th Cir.2009); *Lawrence v. Dunbar*, 919 F.2d 1525, 1528 (11th Cir.1990). A facial attack on the complaint requires the Court to see whether plaintiff has sufficiently alleged a basis of subject matter jurisdiction. *Lawrence*, 919 F.2d at 1529. In such a context, the Court must take the allegations in the complaint as true for purposes of the motion. *Id.* In contrast, as in the instant case, a factual attack challenges the existence of subject matter jurisdiction, or the Court's power to hear the case. *Id.* In analyzing such a motion, the Court can look outside the pleadings in order

to make its determination, and is free to weigh the evidence in order to determine whether it has jurisdiction. *Id.*; *see also Bryant*, 530 F.3d at 1376 (“[w]here exhaustion—like jurisdiction, venue, and service of process—is treated as a matter in abatement and not an adjudication on the merits, it is proper for a judge to consider facts outside of the pleadings and to resolve factual disputes so long as the factual disputes do not decide the merits and the parties have sufficient opportunity to develop the record.”).

A complaint should only survive dismissal under Rule 12(b)(6) if it states a legally cognizable claim for relief based upon allegations which could, if true, entitle the complainant to recover. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556-60 (2007). As the Supreme Court has warned, the federal pleading rules “[do] not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Accordingly, a court should not assume that a plaintiff can prove facts that are not alleged in the complaint. *See Associated Gen. Contractors v. Cal. State Council of Carpenters*, 459 U.S. 519, 526 (1983).

Furthermore, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Iqbal*, 556 U.S. at 678 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 550, 555 (2007)). As the Court observed:

A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are ‘merely consistent with’ a defendant’s liability, it ‘stops short of the line between possibility and plausibility of entitlement to relief.

*Id.*

In *Iqbal*, the Supreme Court undertook a two-part analysis to determine whether a plaintiff's complaint "nudged [his] claims ... across the line from conceivable to plausible." *Id.* at 680. First, a court should "identify[] the allegations in the complaint that are not entitled to the assumption of truth." *Id.* "[A]llegations [that] are conclusory a[re] not entitled to be assumed true." *Id.* ("It is the conclusory nature of [plaintiff]'s allegations, rather than their extravagantly fanciful nature, that disentitles them to the presumption of truth."). Next, the court should "consider the factual allegations in [plaintiff's] complaint to determine if they plausibly suggest an entitlement to relief." *Id.* The complaint at hand do not suggest an entitlement to relief under any interpretation, and should be dismissed.

II. The United States is immune from suit.

The United States may not be sued except to the extent that it waives sovereign immunity by federal statute. *FDIC v. Meyer*, 510 U.S. 471, 475 (1994); *United States v. Dalm*, 494 U.S. 596, 608 (1990). The only waiver that would apply to the plaintiff's claims in the Petition lies in the Federal Tort Claims Act, 28 U.S.C. § 2679, which provides the exclusive remedy for certain kinds of tort claims. The United States has not consented to be sued for intentional torts such as fraud and deceit however. 28 U.S.C. § 2680(h). This exception to the waiver of sovereign immunity must be strictly construed in favor of the United States. *JBP Acquisitions v. United States ex rel. FDIC*, 224 F.3d 1260, 1263 (11<sup>th</sup> Cir. 2000).

Although the Petition occasionally alleges in a throw away fashion that the defendants acted “negligently and wrongfully,” *see* Dkt. 1 at 2; 7 at ¶ 29, the clear thrust of the Petition is that the judicial officers identified by the plaintiff engaged in intentional, unconstitutional misconduct “for personal financial gain.” In one incendiary allegation, the plaintiff alleges that these federal judges and clerks “engaged in a pattern of trafficking in personal void ex parte clerk’s judgments of dismissal … through the years of 2014-2019 ongoing.” *Id.* at 4, ¶¶ 6-7. To the extent that these allegations can be read as claims for abuse of process, misrepresentation or deceit, they are barred by the FTCA’s exception to the statute’s waiver of sovereign immunity in section 2680(h). *JBP Acquisitions*, 224 F3d at 1264-66 (misrepresentation and deceit claims barred); *Bonilla v. United States*, 652 Fed. Appx. 885, 890 (11<sup>th</sup> Cir. 2016)(abuse of process claim barred).<sup>1</sup>

The Petition is doomed for the additional reason that the United States is absolutely immune from suit to the same extent that the judges and court personnel enjoy such immunity. The United States Supreme Court has held that “absolute immunity defeats a suit at the outset, so long as the official’s actions were within the scope of the immunity.” *Imbler v. Pachtman*, 424 U.S. 409, 419 n.13 (1976); *see also*

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<sup>1</sup> Because the underlying conduct that is alleged is the same for both intentional torts and any negligence claims, all counts would be subject to dismissal under section 2680(h), however they are denominated. *See JBP Acquisitions*, 224 F3d at 1264; *Bonilla*, 652 Fed. Appx. at 891, *citing Metz v. United States*, 788 F.2d 1528, 1534 (11th Cir. 1986) (“[A] cause of action which is distinct from one of those excepted under § 2680(h) will nevertheless be deemed to ‘arise out of’ an excepted cause of action when the underlying governmental conduct which constitutes an excepted cause of action is ‘essential’ to plaintiff’s claim.”).

*Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)(a defendant entitled to absolute or qualified immunity enjoys "immunity from suit rather than a mere defense to liability."). Therefore, whether the federal judges identified in the Petition are entitled to absolute judicial immunity is a threshold question, which must be resolved before any other in this litigation. *See Siegert v. Gilley*, 500 U.S. 226, 231-33 (1991) ("One of the purposes of immunity, absolute or qualified, is to spare a defendant not only unwarranted liability, but unwarranted demands customarily imposed upon those defending a long drawn out lawsuit."); *Mitchell*, 472 U.S. at 525 ("The essence of absolute immunity is its possessor's entitlement not to have to answer for his conduct in a civil damages action."); *Parrish v. Nikolits*, 86 F.3d 1088, 1094 (11th Cir. 1996) (Noting that entitlement to immunity should be resolved at the earliest possible stage of litigation).

It is well-settled that judges are entitled to absolute judicial immunity from litigation for acts taken in their judicial capacities. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (per curiam); *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978); *Washington Mut. Bank v. Bush*, 220 Fed. Appx. 974, 975, 2007 WL 867047 (11th Cir. 2007); *Eubank v. Leslie*, 210 Fed. Appx. 837, 845, 2006 WL 3627005 (11th Cir. 2006); *Sibley v. Lando*, 437 F.3d 1067, 1070 (11th Cir. 2005); *Simmons v. Conger*, 86 F.3d 1080, 1084-85 (11th Cir. 1996). Judicial immunity allows judges to perform their vital societal functions free of intimidation. *See Dennis v. Sparks*, 449 U.S. 24, 31 (1980). The United States Supreme Court has recognized the compelling public policy underlying this immunity for more than a century. Indeed, as early as 1872, the

Supreme Court stated that it was:

a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, [should] be free to act upon his own convictions, without apprehension of personal consequences to himself.

*Stump*, 435 U.S. at 355 (citing *Bradley v. Fisher*, 13 Wall. 335, 347 (1872)). Under the protection of this firmly-established doctrine, a judge "should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption." *Pierson v. Ray*, 386 U.S. 547, 554 (1967). As the Eleventh Circuit has observed, the Supreme Court has set forth a two-part test for determining when a judge is entitled to immunity when named as a defendant in a personal-liability tort claim. *Simmons*, 86 F.3d at 1085 citing *Stump*, 435 U.S. at 362. "The first part of the test is whether the judge dealt with the plaintiff in a judicial capacity." *Id.* If the first part of the test is met, the Court must determine "whether the judge acted in the 'clear absence of all jurisdiction.'" *Id.* Here, both parts of the test are satisfied.

"Whether a judge's actions were made while acting in his judicial capacity depends on whether: (1) the act complained of constituted a normal judicial function; (2) the events occurred in the judge's chambers or in open court; (3) the controversy involved a case pending before the judge; and (4) the confrontation arose immediately out of a visit to the judge in his judicial capacity." *Sibley*, 437 F.3d at 1070. In this case, Plaintiff's claims arise from the Federal Judges' rulings in her myriad cases involving real property in New York. *See supra*, at pp. 3-5.

The Eleventh Circuit has emphasized that "issuing an order is one of the

Supreme Court has illustrated the distinction between lack of jurisdiction and excess of jurisdiction with the following examples:

if a probate judge, with the jurisdiction over only wills and estates, should try a criminal case, he would be acting in the clear absence of jurisdiction and would not be immune from liability for his action; on the other hand, if a judge of a criminal court should convict a defendant of a nonexistent crime, he would merely be acting in excess of his jurisdiction and would be immune.

*Stump*, 435 U.S. at 357. Thus, if a judge is colorably acting pursuant to the powers with which he is invested, he is not acting in the absence of all jurisdiction. *Simmons*, 86 F.3d at 1084-85.

Here, the judges identified by the Plaintiff clearly had jurisdiction (and the duty) to address matters arising in connection with the case assigned to them. *See Pierson*, 386 U.S. at 554 ("It is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that arouse the most intense feelings in the litigants.") As a result, they did not act in the clear absence of all jurisdiction and are entitled to judicial absolute immunity from suit.

The Clerks and Deputy Clerks of Court that are identified in the petition would be entitled to quasi-judicial immunity for the conduct that is alleged. "Non-judicial officials have absolute immunity for their duties that are integrally related to the judicial process." *Jenkins v. Clerk of Court*, 150 Fed.Appx. 988, 990 (11th Cir. 2005). "Absolute quasi-judicial immunity for non-judicial officials is determined by a functional analysis of their actions in relation to the judicial process." *Id.*; compare *Scott v. Dixon*, 720 F.2d 1542, 1545 (11th Cir.1983) (clerk of court has absolute

immunity while performing discretionary functions) and *Williams v. Wood*, 612 F.2d 982, 985 (5th Cir.1980) (per curiam) with *Williams*, 612 F.2d at 984 (clerk has qualified immunity while performing routine ministerial duties); *cf. Roland v. Phillips*, 19 F.3d 552, 555-56 (11th Cir.1994) (whether non-judicial officials can claim absolute quasi-judicial immunity depends on "functional analysis" of the official's action in relation to the judicial process).

The only specific allegations directed towards the Clerks' and Deputy Clerks' conduct are that the Clerks accepted filing fees and the Deputy Clerks entered judgment following judicial rulings by the judges. The plaintiff nowhere alleges why these acts are wrongful or how she was any way harmed by these individuals. In any case, the Clerks and Deputy Clerks would clearly be entitled to quasi-judicial immunity for any negligence claims arising from the acts alleged. *Ross v. Baron*, 493 Fed. Appx. 405, 406 (4th Cir. 2012); *Meyers v. United States*, Case No. 7:19-civ-38, 2019 WL 489137, at \*3 (W.D. Va. Feb. 6, 2019); *Hamilton v. Newman*, Civil Action No. 2:18-0622-RMG, 2018 WL 4616050, at \*2 (D.S.C. Sep. 26, 2018).

Because the individual judges and clerks would be immune from suit for these claims had they been sued, the United States cannot be sued either. The FTCA provides in pertinent part:

With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defense to which the United States is entitled.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 2, 2020, I sent a true copy of the foregoing by United States mail, first class postage prepaid, to:

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Jacksonville, FL 32238

/s/ Lacy R. Harwell, Jr.  
Lacy R. Harwell, Jr.  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

BARBARA RILEY,

Plaintiff,

v.

CASE NO. 3:19-cv-1433-J-20JBT

UNITED STATES OF AMERICA,

Defendant.

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ORDER

THIS CAUSE is before this Court on Defendant's Motion to Dismiss with Prejudice (Dkt. 9) and Plaintiff's response (Dkt. 12).

While not a model of clarity, Plaintiff's meandering Petition can be summarized as follows, various federal courts, ranging from Florida to New York, impermissibly dismissed her lawsuits and, in concert with their clerks and deputy clerks of court, improperly kept Plaintiff's filing fees for personal financial gain. This conduct forms the basis of Plaintiff's five-count Petition grounded in the Federal Tort Claims Act (FTCA). (Dkt. 1).

The Petition, while filed against the United States, alleges the conduct of the following judicial personnel form the basis for her alleged harm: United States District Judge Brian M. Cogan (E.D.N.Y.); United States District Judge Dora Lizette Irizarry (E.D.N.Y.); United States District Judge Carol Bagley Amon (E.D.N.Y.); United States District Judge Marcia Morales Howard (M.D. Fla.); United States Court of Federal Claims Judge Lydia Kay Griggsby; United States Magistrate Judge Roanne L. Mann (E.D.N.Y.); United States District Court Clerk Douglas C. Palmer (E.D.N.Y.); United States District Court Clerk Sheryl L. Loesch (M.D. Fla.); United States Court of Federal Claims Clerk Lisa L. Reyes; United States District Court Deputy Clerk

case. This Court can, therefore, look beyond the pleadings to resolve Defendant's motion.

*Lawrence*, 919 F.2d at 1529.

This Court turns to the government's arguments for dismissal. First, the government insists it is immune from this case; or it cannot be sued by Plaintiff for her current complaints.

Generally, the federal government is shielded from a lawsuit unless it consents to be sued. *FDIC v. Meyer*, 510 U.S. 471, 475 (1994). In other words, unless the "Federal Government and its agencies" has waived its "sovereign immunity" by a federal statute it cannot be sued. *Id.*

The FTCA is the sole waiver Plaintiff seeks to apply to her claims, 28 U.S.C. § 2679. The FTCA, however, provides no safe harbor for her claims as it explicitly excludes intentional torts such as misrepresentation and deceit. 28 U.S.C. § 2680(h). *See also Alvarez v. United States*, 862 F.3d 1297, 1301–02 (11th Cir. 2017) (recognizing the intentional tort exception to the FLSA's waiver of sovereign immunity).

Relatedly, the intentional tort exception must be strictly construed in favor of the United States. *Alvarez v. United States*, 862 F.3d 1297, 1301–02 (11th Cir. 2017); *JBP Acquisitions v. United States ex rel. FDIC*, 224 F.3d 1260, 1263 (11th Cir. 2000).

Plaintiff's allegations as a whole can be read as claims for abuse of process, misrepresentation or deceit are barred by the FTCA's exception to the statute's waiver of sovereign immunity in § 2680(h).<sup>1</sup> *See Alvarez*, 862 F.3d at 1301–02. *See also JBP Acquisitions*, 224 F.3d at 1264 (explaining, "It is the substance of the claim and not the language used in stating it which controls whether the claim is barred by an FTCA exception. Thus, a plaintiff

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<sup>1</sup> Plaintiff occasionally alleges the individuals in the Petition acted "negligently and wrongfully." Regardless, of the legal terms she uses, Plaintiff's Petition in totality maintains the judicial officers engaged in intentional, unconstitutional misconduct "for personal financial gain."

cannot circumvent the misrepresentation exception simply through the artful pleading of its claims.” (internal quotations and citations omitted)); *Metz v. United States*, 788 F.2d 1528, 1534 (11th Cir. 1986) (stating, “[A] cause of action which is distinct from one of those excepted under § 2680(h) will nevertheless be deemed to arise out of an excepted cause of action when the underlying governmental conduct which constitutes an excepted cause of action is essential to plaintiff’s claim.” (internal quotations omitted)). For this reason, Plaintiff’s claims are barred by the FTCA’s exception to the statute’s waiver of sovereign immunity under § 2680(h).

Second, the government insists Plaintiff’s Petition cannot survive because it is absolutely immune from suit to the same extent that the judges and court personnel enjoy this immunity. The Supreme Court teaches “absolute immunity defeats a suit at the outset, so long as the official’s actions were within the scope of the immunity.” *Imbler v. Pachtman*, 424 U.S. 409, 419 n.13 (1976); *see also Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (stating “[t]he entitlement is an *immunity from suit* rather than a mere defense to liability; and like an absolute immunity, it is effectively lost if a case is erroneously permitted to go to trial.” (emphasis in original))

To resolve this issue, this Court must establish whether the judges mentioned in the Petition are entitled to absolute judicial immunity. *See Siegert v. Gilley*, 500 U.S. 226, 232 (1991) (providing, “One of the purposes of immunity, absolute or qualified, is to spare a defendant not only unwarranted liability, but unwarranted demands customarily imposed upon those defending a long drawn out lawsuit.”); *Mitchell v. Forsyth*, 472 U.S. 511, 525 (1985) (stating “[t]he essence of absolute immunity is its possessor’s entitlement not to have to answer for his conduct in a civil damages action.”).

Judges are, generally, entitled to absolute judicial immunity from litigation for acts taken

in their judicial capacities. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991). The Supreme Court explained that to maintain “the proper administration of justice” judicial officers should “be free to act upon his own convictions, without apprehension of personal consequences to himself.” *Stump v. Sparkman*, 435 U.S. 349, 355 (1978) (internal quotations and citation omitted). Under the protection of this established doctrine, a judge “should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decisionmaking but to intimidation.” *Pierson v. Ray*, 386 U.S. 547, 554 (1967).

The Eleventh Circuit recognizes a two-part test for determining when a judge is entitled to immunity when named as a defendant in a personal-liability tort claim. *Simmons v. Conger*, 86 F.3d 1080, 1084 (11th Cir. 1996). The first element asks if the judge interacted with the plaintiff “in a judicial capacity.” *Id.* If so, the second element questions “whether the judge acted in the ‘clear absence of all jurisdiction.’” *Id.* (quoting *Stump v. Sparkman*, 435 U.S. 349, 357).

The first question—the judicial capacity element—“depends on whether: (1) the act complained of constituted a normal judicial function; (2) the events occurred in the judge’s chambers or in open court; (3) the controversy involved a case pending before the judge; and (4) the confrontation arose immediately out of a visit to the judge in his judicial capacity.” *Sibley v. Lando*, 437 F.3d 1067, 1070 (11th Cir. 2005).

The Eleventh Circuit has emphasized that “issuing an order is one of the paradigmatic judicial acts involved in resolving disputes between parties who have invoked the jurisdiction of a court.” *Bush v. Washington Mut. Bank*, 177 Fed. Appx. 16, 17-18, 2006 WL 924385 (11th Cir. 2007) (quoting *Forrester v. White*, 484 U.S. 219, 227 (1988)). This absolute judicial immunity applies “even when the judge’s acts are in error, malicious or were in excess of his or her

jurisdiction." *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000). As the United States Supreme Court explained:

If judges were personally liable for erroneous decisions, the resulting avalanche of suits, most of them frivolous but vexatious, would provide powerful incentives for judges to avoid rendering decisions likely to provoke such suits. The resulting timidity would be hard to detect or control, and it would manifestly detract from independent and impartial adjudication. Nor are suits against judges the only available means through which litigants can protect themselves from the consequences of judicial error. Most judicial mistakes or wrongs are open to correction through ordinary mechanisms of review, which are largely free of the harmful side-effects inevitably associated with exposing judges to personal liability.

*Forrester*, 484 U.S. at 226-227.

Here, Plaintiff's claims arise from the judges' rulings in her cases involving real property in New York. These judges plainly interacted with Plaintiff in a judicial capacity while fashioning their rulings. Therefore, this Court turns to whether or not the judges acted in clear absence of all jurisdiction.

The clear absence of all jurisdiction question has been illustrated by the Supreme Court. The Court has instructed on the distinction between lack of jurisdiction and excess of jurisdiction with the following examples:

if a probate judge, with the jurisdiction over only wills and estates, should try a criminal case, he would be acting in the clear absence of jurisdiction and would not be immune from liability for his action; on the other hand, if a judge of a criminal court should convict a defendant of a nonexistent crime, he would merely be acting in excess of his jurisdiction and would be immune.

*Stump*, 435 U.S. at 357 n.7 (citing *Bradley*, 80 U.S 335, 352).

Here, the judges clearly had jurisdiction to address matters arising in connection with the cases assigned to them. *See Pierson*, 386 U.S. at 554 (explaining, "It is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that

arouse the most intense feelings in the litigants.”). As a result, the judges did not act in the clear absence of all jurisdiction, and they are entitled to absolute judicial immunity from Plaintiff’s suit.

The clerks and deputy clerks are also entitled to quasi-judicial immunity for the alleged conduct. This is so since, “[n]onjudicial officials are encompassed by a judge’s absolute immunity when their official duties have an integral relationship with the judicial process. Like judges, these officials must be acting within the scope of their authority.” *Roland v. Phillips*, 19 F.3d 552, 555 (11th Cir. 1994) (internal citation and quotations omitted). *See also Jenkins v. Clerk of Court*, 150 F. App’x 988, 990 (11th Cir. 2005) (providing, “Nonjudicial officials have absolute immunity for their duties that are integrally related to the judicial process. Absolute quasi-judicial immunity for nonjudicial officials is determined by a functional analysis of their actions in relation to the judicial process.”).

The only specific allegations directed towards the clerks’ and deputy clerks’ conduct are that the clerks accepted filing fees and the deputy clerks entered judgment following judicial rulings. Plaintiff does not allege why these acts are wrongful or how she was harmed by these individuals. In any case, the clerks and deputy clerks are clearly entitled to quasi-judicial immunity for any negligence claims arising from Plaintiff’s allegations. *See Ross v. Baron*, 493 F. App’x. 405, 406 (4th Cir. 2012) (providing, “a court clerk is generally entitled to quasi-judicial immunity.”).

Because the individual judges and clerks would be immune from suit for these claims had they been sued, the United States cannot be sued either. The FTCA provides:

With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or

omission gave rise to the claim, as well as any other defenses to which the United States is entitled.

28 U.S.C. § 2674.

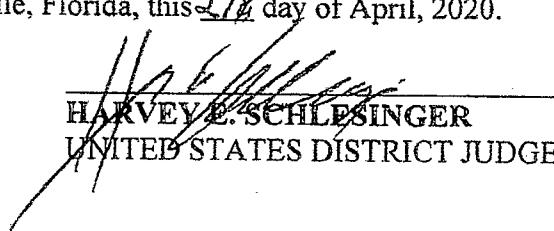
Accordingly, where a federal judicial officer's actions form the basis for the FTCA claim, the United States enjoys judicial immunity if the individual judicial officer would be immune from suit. *Tinsley v. Widener*, 150 F.Supp. 2d 7, 12 (D.D.C. 2001). Since the individual judges are entitled to absolute judicial immunity, and the clerks and deputy clerks are entitled quasi-judicial immunity, the United States is immune as well. *Tinsley*, 150 F. Supp. 2d at 12; *see also Bush v. Blake*, No. JFM-11-1410, 2011 WL 2311835, at \*2 (D. Md. June 9, 2011); *McGee v. United States*, No. 1:10-cv-521, 2010 WL 3211037, at \*3 (S.D. Ohio Aug. 12, 2010); *Dockery v. United States*, No. 08-80031-CIV, 2008 WL 345545, at \*2 (S.D. Fla. Feb. 6, 2008).

This lawsuit, in essence, has given voice to Plaintiff's displeasure with having to pay the filing fees for legal rulings she distains. Plaintiff's dissatisfaction with those judicial decisions, however, does not give rise to an independent tort.

Accordingly, it is **ORDERED**:

1. Defendant's Motion to Dismiss with Prejudice (Dkt. 9) is **GRANTED**;
2. This case is dismissed with prejudice; and
3. The Clerk is directed to terminate all pending motions and close this case.<sup>2</sup>

**DONE AND ORDERED** at Jacksonville, Florida, this 17 day of April, 2020.

  
HARVEY B. SCHLESINGER  
UNITED STATES DISTRICT JUDGE

<sup>2</sup> This Court is fairly confident it will be included in an action by Plaintiff. Plaintiff must understand there is no maliciousness in the dismissal of her action—she has simply failed to state a cause of action.

Copies to:  
Barbara Riley, *Pro Se*  
Lacy R. Harwell, Jr., Esq.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-11980  
Non-Argument Calendar

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D.C. Docket No. 3:19-cv-01433-HES-JBT

BARBARA J. RILEY,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

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

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(December 8, 2020)

Before MARTIN, BRANCH and FAY, Circuit Judges.

PER CURIAM:

Barbara J. Riley, pro se, appeals the dismissal of her Federal Tort Claims Act action for failure to state a claim for which relief may be granted. We affirm.

## I. BACKGROUND

Riley filed a Federal Tort Claims Act ("FTCA")<sup>1</sup> action alleging fraud and violations of her constitutional rights against the government, six federal judges, a federal magistrate judge, three court clerks, and three court deputy clerks. Riley asserted that these federal judges and clerks, who were involved in five civil actions filed by Riley, unconstitutionally accepted her filing fees, dismissed her actions without a hearing, and entered void orders against her. As relief, Riley requested monetary damages and an injunction to enjoin further violations of her rights.

The government responded that the district court should dismiss Riley's complaint because it did not provide any basis for relief, and the district court granted the government's motion to dismiss with prejudice. It noted that it could look beyond the pleadings to resolve the government's motion to dismiss, which constituted a factual attack on the district court's subject matter jurisdiction. It then found that, if Riley's allegations raised claims for abuse of process, misrepresentation, or deceit, the FTCA explicitly excluded these types of intentional torts from its waiver of sovereign immunity. It also found that the

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<sup>1</sup> 28 U.S.C. § 1346(b)(1)

federal judges identified in Riley's complaint were entitled to absolute judicial immunity because these judges interacted with Riley in a judicial capacity and did not act in the clear absence of jurisdiction. It further found that the clerks identified in Riley's complaint were entitled to quasi-judicial immunity for accepting filing fees and entering judgment following judicial rulings and that Riley had failed to allege why these acts were wrongful or how she was harmed by these individuals. It then found that the government was immune from suit because the federal judges and clerks identified in Riley's complaint were entitled to absolute judicial and quasi-judicial immunity. It noted that Riley's dissatisfaction with having to pay filing fees and with the judicial decisions in her prior federal litigation did not give rise to an independent tort.

## II. DISCUSSION

On appeal, Riley argues that the district court unconstitutionally dismissed her action without a hearing.<sup>2</sup> We review *de novo* a district court's granting of a motion to dismiss for failure to state a claim, accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff. *Hunt v. Aimco Properties, L.P.*, 814 F.3d 1213, 1221 (11th Cir. 2016). Pro se

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<sup>2</sup> Riley waived any arguments challenging the district court's findings that the federal judges and clerks were immune from her suit and that the FTCA's intentional torts exception barred her claims when she failed to raise these arguments in her initial brief. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) (recognizing that while pro se briefs are held to a less stringent standard, a pro se litigant abandons any argument not addressed in her opening brief).

pleadings are held to a less stringent standard than pleadings drafted by attorneys and are thus liberally construed. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998).

To withstand a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 1974 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009).

The government is immune from suit unless it waives its sovereign immunity. *FDIC v. Meyer*, 510 U.S. 471, 475, 114 S. Ct. 996, 1000 (1994). Although the government has waived its immunity for tort claims brought under the FTCA, the FTCA explicitly excludes intentional torts like abuse of process, misrepresentation, and deceit from this waiver. *Alvarez v. United States*, 862 F.3d 1297, 1301-02 (11th Cir. 2017). In evaluating whether a claim is barred by this intentional torts exception, we will examine “the substance of the claim and not the language used in stating it.” *Id.* at 1302 (quoting *Zelaya v. United States*, 781 F.3d 1315, 1334 (11th Cir. 2015)). Constitutional torts against federal defendants also

are not cognizable under the FTCA. *Meyer*, 510 U.S. at 477-78, 114 S. Ct. at 1001.

Here, the district court properly granted the motion to dismiss Riley's action because she did not assert facts to support the allegations raised in her complaint. Riley did not state a claim for relief that was plausible on its face because the acts of accepting filing fees, dismissing her civil actions without a hearing, and entering *ex parte* orders and judgments were required by statute and do not constitute torts or constitutional violations. *See Twombly*, 550 U.S. at 570, 127 S. Ct. at 1974. Although she alleged that the federal judges and clerks involved in her prior litigation acted illegally and fraudulently, she did not provide any facts that would have allowed the district court to reasonably infer what these judges and clerks did that was in violation of any law or statute, in order to be civilly liable for some misconduct. *See Iqbal*, 556 U.S. at 678, 129 S. Ct. at 1949. Thus, the district court properly granted the government's motion to dismiss when Riley's allegations did not amount to more than labels or conclusory statements about the alleged misconduct of the federal judges and clerks identified in her complaint. *See Twombly*, 550 U.S. at 555, 127 S. Ct. at 1965.

Furthermore, Riley's claims are subject to the FTCA's intentional torts exception or are otherwise not cognizable under the FTCA. To the extent that Riley raises claims for abuse of process, misrepresentation, or deceit, these claims

are barred by the FTCA's intentional torts exception. *See Alvarez*, 862 F.3d at 1301-02. Any constitutional tort claims that Riley may have raised also are not cognizable under the FTCA. *See Meyer*, 510 U.S. at 477-78, 114 S. Ct. at 1001. Accordingly, the district court correctly determined that Riley could not bring her claims under the FTCA.

**AFFIRMED.**

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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

David J. Smith  
Clerk of Court

For rules and forms visit

December 08, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 20-11980-GG  
Case Style: Barbara Riley v. USA  
District Court Docket No: 3:19-cv-01433-HES-JBT

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at [www.pacer.gov](http://www.pacer.gov). Information and training materials related to electronic filing, are available at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or [cja\\_evoucher@ca11.uscourts.gov](mailto:cja_evoucher@ca11.uscourts.gov) for questions regarding CJA vouchers or the eVoucher system.

Pursuant to Fed.R.App.P. 39, costs taxed against the appellant.

Please use the most recent version of the Bill of Costs form available on the court's website at

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Joseph Caruso, GG at (404) 335-6177.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Djuanna H. Clark  
Phone #: 404-335-6151

OPIN-1A Issuance of Opinion With Costs

The federal and Florida State Constitution provisions and federal Statutes involved: and here set out verbatim

### U.S. CONSTITUTION

#### Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

#### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

#### Amendment XIII

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state 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.

### FLORIDA STATE CONSTITUTION

Art. I, SEC. 2. Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Art. I, SEC. 5. Right to assemble.—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

Art. I, SEC. 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Art. I, SEC. 21. Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Art. I, SEC. 22. Trial by jury.—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

## STATUTES

The Judiciary Act of 1789, Chapter 20, Section 32, reads as follows (b):

"SEC. 32. And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe."

## 18 U.S.C. § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

## 18 U.S.C. § 246. Deprivation of relief benefits

Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.

## 28 U.S.C. § 545. Residency

(a) Each United States attorney shall reside in the district for which he is appointed, except that these officers of the District of Columbia, the Southern District of New York, and the Eastern District of New York may reside within 20 miles thereof. Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof. The provisions of this subsection shall not apply to any United States attorney or assistant United States attorney appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district. Pursuant to an order from the Attorney General or his designee, a United States attorney or an assistant United States attorney may be assigned dual or additional responsibilities that exempt such officer from the residency requirement in this subsection for a specific period as established by the order and subject to renewal.

## 28 U.S.C. 1346. United States as defendant

(b)(1) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

## 28 U.S.C. § 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

## 28 U.S.C. § 2674. Liability of United States

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

28 U.S.C. § 2675. Disposition by federal agency as prerequisite; evidence

(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

(b) Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(c) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages.

28 U.S.C. § 2677. Compromise

The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of an action thereon.

42 U.S.C. § 1981. Statement of equal rights

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

42 U.S.C. § 1982. Property rights of citizens

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.

42 U.S.C. § 1983. Civil action for deprivation of civil rights

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, . . ."

42 U.S.C. §1985(3). Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, 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.

UNITED STATES DISTRICT COURT  
for the

*Plaintiff*

v.

*Defendant*

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)  
Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

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

*Signature of Clerk or Deputy Clerk*

including in the context of imposing sanctions, Nogess v. Poydras Center, LLC, Civil Action No. 16-15227, 2017 WL 396307, at \*14 (E.D. La. Jan. 30, 2017) (collecting cases using figures from the Rand Study to calculate sanctions). Adjusting for inflation in 2017 dollars, this amounts to an average cost to the public of \$6,983.42 for each tobacco lawsuit.<sup>71</sup> This data provides a basis for assessing the value of judicial resources wasted by frivolous litigation.

The Court has determined that Wilner and Farah were responsible for filing and maintaining at least 1,250 frivolous suits. With each frivolous lawsuit costing the judiciary, on average, \$6,983.42, the value of Court resources wasted by Wilner's and Farah's conduct amounts to \$8,729,275. Because these cases were frivolous from their inception, and because Wilner's and Farah's “entire course of conduct” throughout, and indeed preceding, the litigation” was part of a pattern of advancing invalid claims, the Court can identify the entire cost of these frivolous suits as directly resulting from Counsel's behavior. Goodyear, 137 S. Ct. at 1187-88 (citing Chambers, 501 U.S. at 51, 57, 58). Yet, even this figure inadequately captures the enormity and complexity of the challenges Wilner's and Farah's behavior put before the Court.<sup>72</sup> For nearly two and a half years, from early 2011 to mid-

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<sup>71</sup> U.S. Bureau of Labor Statistics, Consumer Price Index Inflation Adjustment Calculator. The Court takes judicial notice of the Bureau of Labor Statistics' inflation-adjustment calculator, a widely-accepted instrument for measuring the present-value of a dollar figure. Other courts have also used this calculator to obtain the present value of the dollar figures presented in the Rand Study. Nogess, 2017 WL 396307 at \*15.

<sup>72</sup> The \$6,983.42 number represents the “average” personal injury action, which likely underestimates the financial drain on the Court's resources because the Engle cases were not “average,” but were complex and necessitated substantial Court time and effort. Ironically, the sanction likely would have been greater had the Court acted immediately on the tobacco companies' motion for Rule 11 sanctions, which was later withdrawn pursuant to the settlement agreement.

To: U.S. Chief District Judge Dora Lizette Irizarry  
United States District Court  
For the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Federal Tort Claims Act;  
Claims Against Federal Judiciary Officer  
Brian M. Cogan under 28 U.S.C. 2675

Certified Mail, Return Receipt Requested Article No. 7016 1370 0000 1646 0709

NOTICE OF CLAIMS NOTICE FOR FRAUD UPON FEDERAL COURTS BY  
FEDERAL JUDICIARY OFFICER BRIAN M. COGAN

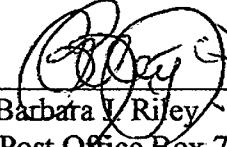
NOTICE IS HEREBY given that I, Barbara J. Riley, Claim damage to property in the amount of \$3,000,000.00 through frauds upon federal courts by Federal Judiciary Officer Brian M. Cogan who entered two (2) Void Ex parte orders of dismissal on 10/29/2014 and 08/18/2017 in pro se Case #14-cv-4482. My property was taken without due process.

That I paid for immediate administration of justice to Federal Judiciary Employee Douglas C. Palmer who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That District Court Judge Cogan is in clear violation of his Oath of office and the U.S. Constitution as he defrauds the United States every day. That the federal courts are not Open to certain individuals ever. Your corrupt Judge Cogan knows that the federal courts are never ever Open to pro se individuals. Because for years he immediately shuts the federal courts down to all pro se individuals, and after delay fraudulently sells and renders void Ex parte Orders of dismissal without due process. Not one jury trial or evidentiary hearing had ever.

I certify that the amount of \$3,000,000.00 covers only damage/loss of my real property by Federal Judiciary Officer Brian M. Cogan, in pro se Case #14-cv-4482 BMC, and I agree to accept said \$3,000,000.00 in Full Satisfaction and Final Settlement of these Claims only.

Date: 05-20-2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

40

To: U.S. Chief District Judge Dora Lizette Irizarry  
United States District Court  
For the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Douglas C. Palmer under 28 U.S.C. § 2675  
Certified Mail, Return Receipt Requested Article No. 7012 1010 0000 6223 9071

NOTICE OF CLAIM FOR REIMBURSEMENT OF COURT FILING FEES PAID

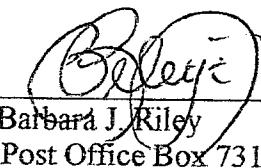
NOTICE IS HEREBY given that I, Barbara J. Riley, claim reimbursement of court filing fees in the amount of \$1,410.00 pre-paid to Federal Judiciary Employee, DOUGLAS C. PALMER, for immediate access to federal courts and immediate judgment.

That on 10/24/2014 \$400.00; 12/05/2014 \$505.00 and 10/19/2017 \$505.00, I paid court filing fees for immediate administration of justice to Mr. Palmer who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That Mr. Palmer is in violation of his Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt Clerk of Court Douglas C. Palmer knows that the federal courts are never ever Open to pro se individuals because for years he immediately shuts the federal courts down to all pro se individuals after accepting our court filing fees in advance.

I certify that the amount of \$1,410.00 covers only my money taken and stolen by Federal Judiciary Employee, Douglas C. Palmer, under false pretenses in pro se Case #14-cv-4482 BMC, and I agree to accept \$1,410.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: March 27, 2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

41

To: U.S. Chief District Judge Dora Lizette Irizarry  
United States District Court  
For the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Janet Hamilton under 28 U.S.C. § 2675

Certified Mail, Return Receipt Requested Article No. 7012 1010 0000 6223 9088

NOTICE OF CLAIMS FOR FRAUD UPON FEDERAL COURTS BY FEDERAL  
JUDICIARY EMPLOYEE JANET HAMILTON

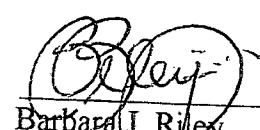
NOTICE IS HEREBY given that I, Barbara J. Riley, claim damage to property in the amount of \$3,000,000.00 through frauds upon federal courts by federal judiciary employee Janet Hamilton who entered two (2) Void Ex parte clerk's judgments of dismissal on 10/29/2014 and 08/18/2017 in pro se Case #14-cv-4482. My property was taken without guaranteed Due Process.

That I prepaid for immediate administration of justice to Douglas C. Palmer who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That Ms. Hamilton is in violation of her Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt Deputy Clerk of Court Janet Hamilton knows that the federal courts are never ever Open to pro se individuals. Because for years federal judiciary employee U.S. Clerk Douglas C. Palmer immediately shuts the federal courts down to all pro se individuals, and after delay Ms. Hamilton enters her personal void Ex parte clerk's judgment of dismissal.

I certify that the amount of \$3,000,000.00 covers only damage/loss of my real property by corrupt Federal Judiciary Employee, Janet Hamilton, in pro se Case #14-cv-4482 BMC, and I agree to accept said \$3,000,000.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: May 8, 2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

42

To: U.S. Chief District Judge Dora Lizette Irizarry  
United States District Court  
For the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Douglas C. Palmer under 28 U.S.C. § 2675

Certified Mail, Return Receipt Requested Article No. 7012 1010 0000 6223 9064

NOTICE OF CLAIM FOR REIMBURSEMENT OF COURT FILING FEES PAID

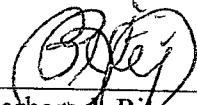
NOTICE IS HEREBY given that I, Barbara J. Riley, claim reimbursement of court filing fees in the amount of \$905.00 pre-paid to Federal Judiciary Employee, DOUGLAS C. PALMER, for immediate access to federal courts and immediate judgment.

That on 8/26/2015 \$400.00 and 10/19/2017 \$505.00, I paid court filing fees for immediate administration of justice to Mr. Palmer who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That Mr. Palmer is in violation of his Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt Clerk of Court Douglas C. Palmer knows that the federal courts are never ever Open to pro se individuals because for years he immediately shuts the federal courts down to all pro se individuals after accepting our court filing fees in advance.

I certify that the amount of \$905.00 covers only my money taken and stolen by Federal Judiciary Employee, Douglas C. Palmer, under false pretenses in pro se Case #15-cv-5022 BMC/DLI, and I agree to accept \$905.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: Mar. 27, 2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

To: U.S. Chief District Judge  
United States District Court  
For the Florida Middle District  
300 North Hogan Street  
Jacksonville, FL 32202

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Sheryl L. Loesch under 28 U.S.C. § 2675

Certified Mail, Return Receipt Requested Article No. 7016 0910 0002 1948 4460

NOTICE OF CLAIM FOR REIMBURSEMENT OF COURT FILING FEES PAID

NOTICE IS HEREBY given that I, Barbara J. Riley, claim reimbursement of court filing fees in the amount of \$905.00 pre-paid to Federal Judiciary Employee, SHERYL L. LOESCH, for immediate access to federal courts and immediate judgment.

That on 07/13/2016 \$400.00, 09/19/2017 \$105.00, and 11/06/2017 \$400.00, I prepaid court filing fees for immediate administration of justice to Ms. Loesch who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 42 U.S. Code § 1983, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That Ms. Loesch is in clear violation of her Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt Clerk of Court Sheryl L. Loesch knows that the federal courts are never ever Open to pro se individuals because for years she immediately shuts the federal courts down to all pro se individuals after accepting our court filing fees in advance.

I certify that the amount of \$905.00 covers only my money taken and stolen by Federal Judiciary Employee, Sheryl L. Loesch, under false pretenses in pro se Case #16-cv-898 MMH, and I agree to accept \$905.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: 03-27-19  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

To: Chief U.S. District Judge Steven Merryday  
United States District Court  
For the Florida Middle District – Jacksonville District  
300 North Hogan St  
Jacksonville, FL 32202

Re: Federal Tort Claims Act;  
Claims Against Federal Judiciary Officer  
Marcia Morales Howard under 28 U.S.C. 2675

Certified Mail, Return Receipt Requested Article No. 7011 1570 0001 8149 9347

**NOTICE OF CLAIMS FOR FRAUDS UPON FEDERAL COURTS BY FEDERAL JUDICIARY OFFICER MARCIA MORALES HOWARD**

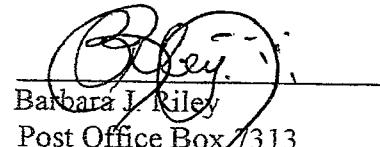
NOTICE IS HEREBY given that I, Barbara J. Riley, Claim damage to property in the amount of \$1,500,000.00 through frauds upon federal courts by Federal Judiciary Officer Marcia Morales Howard who fraudulently entered her Void Ex parte order of dismissal on 06/28/2017 in pro se Case #16-cv-961. My property was taken without due process.

That I paid for immediate administration of justice to Federal Judiciary Employee Sheryl L. Loesch who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That U.S. District Court Judge Howard is in clear violation of her Oath of office and the U.S. Constitution as she defrauds the United States. That the federal courts are not Open to certain individuals ever. That corrupt Judge Howard plays a revised legal game. Because for years she immediately shuts the federal courts down to all pro se individuals, and after much delay, sells and renders void Ex parte Orders of dismissal fraudulently dismissing U.S. Congress authorized cases without due process. Not one trial by jury or evidentiary hearing had ever for pro se individuals.

I certify that the amount of \$3,000,000.00 covers only damage/loss of my real property by Federal Judiciary Officer Marcia Morales Howard, in pro se Case #16-cv-961 MMH, and I agree to accept said \$3,000,000.00 in Full Satisfaction and Final Settlement of these Claims only.

Date: 05-20-2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

To: Chief U.S. Federal Judge Margaret M. Sweeney  
United States Court of Federal Claims  
717 Madison Place NW  
Washington, DC 20439

Re: Federal Tort Claims Act;  
Claims Against Federal Judiciary Officer  
Lydia Kay Griggsby under 28 U.S.C. 2675

Certified Mail, Return Receipt Requested Article No. 7015 1730 0000 7134 1745

**NOTICE OF CLAIMS FOR FRAUDS UPON FEDERAL COURTS BY FEDERAL JUDICIARY OFFICER LYDIA KAY GRIGGSBY**

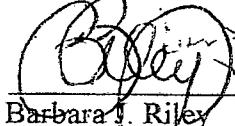
NOTICE IS HEREBY given that I, Barbara J. Riley, Claim damage to Property in the amount of \$4,500,000.00 through frauds upon federal court by Federal Judiciary Officer Lydia Kay Griggsby who fraudulently entered her Void Ex parte order of dismissal on 02/05/2019 in pro se Case #18-cv-1270. My Properties were Taken without due process.

That I Paid for immediate administration of justice to Federal Judiciary Employee Lisa L. Reyes who immediately Closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That U.S. Judge Griggsby is in clear violation of her Oath of office and the U.S. Constitution as she defrauds the United States. That the federal courts are not Open to certain individuals ever. That corrupt Judge Griggsby plays a revised legal game. Because she immediately shut the federal court down to all pro se individuals, and after delay, sells and renders void Ex parte Order of dismissal fraudulently dismissing U.S. Congress authorized cases without Due Process.

I certify that the amount of \$4,500,000.00 covers only damage/loss of my real properties by Federal Judiciary Officer Lydia Kay Griggsby, in pro se Case #18-cv-1270 LKG, and I agree to accept said \$4,500,000.00 in Full Satisfaction and Final Settlement of these Claims only.

Date: May 20, 2019  
Jacksonville, Florida

  
\_\_\_\_\_  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

To: U.S. Chief Judge  
United States Court of Federal Claims  
717 Madison Place NW  
Washington, DC 20439

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Lisa L. Reyes under 28 U.S.C. § 2675

Certified Mail, Return Receipt Requested Article No. 7012 1010 0000 6223 9040

**NOTICE OF CLAIM FOR REIMBURSEMENT OF COURT FILING FEES PAID**

NOTICE IS HEREBY given that I, Barbara J. Riley, claim reimbursement of court filing fees in the amount of \$400.00 pre-paid to Federal Judiciary Employee, LISA L. REYES, for immediate access to federal courts and immediate judgment.

That on 08/21/2018 \$400.00, I paid court filing fees for immediate administration of justice to Ms. Reyes who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 28 U.S. Code § 1655, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay. "

That Ms. Reyes is in clear violation of her Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt Clerk of Court Lisa L. Reyes knows that the federal courts are never ever Open to pro se individuals because for years she immediately shuts the federal courts down to all pro se individuals after accepting our court filing fees in advance.

I certify that the amount of \$400.00 covers only my money taken and stolen by Federal Judiciary Employee, Sheryl L. Loesch, under false pretenses in pro se Case #18-cv-1270 LKG, and I agree to accept \$400.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: 03-27-2019  
Jacksonville, Florida

  
Barbara J. Riley  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698  
Individual, Pro Se

To: U.S. Chief Judge  
United States Court of Federal Claims  
717 Madison Place NW  
Washington, DC 20439

Re: Federal Tort Claims Act;  
Claim Against Federal Judiciary Employee  
Anthony Curry under 28 U.S.C. 2675

Certified Mail, Return Receipt Requested Article No. 7012 1010 0000 6223 9101

NOTICE OF CLAIM FOR FRAUD UPON FEDERAL COURTS BY FEDERAL  
JUDICIARY EMPLOYEE ANTHONY CURRY

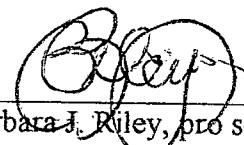
NOTICE IS HEREBY given that I, Barbara J. Riley, claim damage to property in the amount of \$4,500,000.00 through fraud upon federal courts by federal judiciary employee Anthony Curry who entered his personal Void Ex parte clerk's judgment of dismissal on 02/06/2018 in pro se Case #18-cv-1270. My property was taken without due process.

That I prepaid for immediate administration of justice to U.S. Clerk Lisa L. Reyes who immediately closed the federal courts to me. This is in clear violation of the Judiciary Act of 1789, 42 U.S. Code § 1983, First Amendment of the U.S. Constitution, Felder v. Casey 1988 of the U.S. Supreme Court, Fifth Amendment of the U.S. Constitution, and Article I Section 21 Access to Courts clause of the Florida Constitution which guarantees that "The Courts shall be Open to every person for redress of any injury and Justice shall be administered without Sale, Denial, or Delay."

That Mr. Curry is in clear violation of his Oath of office and the U.S. Constitution. That the federal courts are not Open to certain individuals ever. Your corrupt U.S. Clerk of Court Lisa L. Reyes knows that the federal courts are never ever Open to pro se individuals. Because for years Ms. Reyes immediately shuts the federal courts down to all pro se individuals, and after delay without hearing Mr. Curry enters void Ex parte clerk's judgment of dismissal.

I certify that the amount of \$4,500,000.00 covers only damage/loss of my real property by Federal Judiciary Employee, Anthony Curry, in pro se Case #18-cv-1270 LKG, and I agree to accept said \$4,500,000.00 in Full Satisfaction and Final Settlement of this Claim only.

Date: 05-08-2019  
Jacksonville, Florida

  
\_\_\_\_\_  
Barbara J. Riley, pro se  
Post Office Box 7313  
Jacksonville, FL 32238  
Phone: (904) 316-3698

**U.S. District Court**  
**Middle District of Florida (Jacksonville)**  
**CIVIL DOCKET FOR CASE #: 3:19-cv-01433-HES-JBT**

Riley v. United States of America  
Assigned to: Senior Judge Harvey E. Schlesinger  
Referred to: Magistrate Judge Joel B. Toomey  
Demand: \$9,999,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 12/13/2019  
Date Terminated: 04/29/2020  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Barbara J. Riley**

represented by **Barbara J. Riley**  
P.O. Box 7313  
Jacksonville, FL 32238-0313  
904/316-3698  
PRO SE

V.

**Defendant****United States of America**

represented by **Lacy R. Harwell, Jr.**  
US Attorney's Office - FLM  
Suite 3200  
400 N Tampa St  
Tampa, FL 33602-4798  
813/274-6000  
Fax: 813/274-6200  
Email: randy.harwell@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/13/2019	1	PETITION VERIFIED for violations of due process with demand for a jury trial on all claims against United States of America with Jury Demand Filing fee \$ 400.00, receipt number JAX032221 filed by Barbara J. Riley.(PAM) Modified on 12/16/2019 (PAM). Received two courtesy copies. (Entered: 12/16/2019)
12/20/2019	2	NOTICE of designation under Local Rule 3.05 - Track 2 (MGG) (Entered: 12/20/2019)
12/26/2019	3	SUMMONS issued as to U.S. Attorney and U.S. Attorney General. (PAM) (Entered: 12/26/2019)
01/13/2020	4	CERTIFICATE of interested persons and corporate disclosure statement by Barbara J. Riley. (AEJ) (Entered: 01/13/2020)
01/21/2020	5	SUMMONS returned executed by Barbara J. Riley. United States of America served on 12/31/2019, answer due 3/2/2020. (Attachments: # 1 Exhibit)(PAM) (Entered: 01/22/2020)
01/24/2020	6	AFFIDAVIT of Barbara J. Riley of proof of service of process on U.S. Attorney General

		with legal memorandum re: <u>5</u> Summons returned executed as to USA by Barbara J. Riley. (Attachments: # <u>1</u> Exhibit)(PAM) (Entered: 01/24/20)
01/28/2020	<u>7</u>	<b>ORDER</b> advising pro se Plaintiff of some procedural rules with which she must comply. Plaintiff's proof of service due by 3/15/20. See Order for details. Signed by Magistrate Judge Joel B. Toomey on 1/28/2020. (TAM) (Entered: 01/28/2020)
02/13/2020	<u>8</u>	CERTIFICATE of service by Barbara J. Riley re <u>2</u> Notice of designation of track. (PAM) (Entered: 02/13/2020)
03/02/2020	<u>9</u>	MOTION to Dismiss Petition, with Prejudice by All Defendants. (Attachments: # <u>1</u> Exhibit A (Docket, EDNY case no. 14cv4482), # <u>2</u> Exhibit B (Docket, EDNY case no. 15cv5022), # <u>3</u> Exhibit C (Docket, MDFL case no. 16cv898), # <u>4</u> Exhibit D (Docket, MDFL case no. 16cv961), # <u>5</u> Exhibit E (Docket, Ct. of Claims case no. 18cv1270)) (Harwell, Lacy) (Entered: 03/02/2020)
03/09/2020	<u>10</u>	AFFIDAVIT of Proofs of two service of process on defendant with 8 exhibits attached re: <u>7</u> Order and <u>3</u> Summons issued as to USA by Barbara J. Riley. (Attachments: # <u>1</u> Exhibit B No exhibit A received, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H)(PAM) No exhibit A received only seven exhibits B thru H received. (Entered: 03/09/2020)
03/20/2020	<u>11</u>	NOTICE of filing Exhibit A by Barbara J. Riley re <u>10</u> Affidavit (AEJ) (Entered: 03/20/2020)
03/20/2020	<u>12</u>	RESPONSE in Opposition re <u>9</u> MOTION to Dismiss Petition, with Prejudice filed by Barbara J. Riley. (AEJ) (Entered: 03/20/2020)
04/28/2020	<u>13</u>	<b>ORDER</b> granting <u>9</u> Motion to Dismiss with Prejudice; dismissing this case with prejudice; directing the Clerk to terminate all pending motions and close this case. Signed by Senior Judge Harvey E. Schlesinger on 4/27/2020. (MGG) (Entered: 04/28/2020)
05/26/2020	<u>14</u>	NOTICE OF APPEAL as to <u>13</u> Order on Motion to Dismiss by Barbara J. Riley. Filing fee \$ 505, receipt number JAX033102. (Attachments: # <u>1</u> Mailing Envelope)(AFC) (Entered: 05/27/2020)
05/27/2020	<u>15</u>	TRANSMITTAL of initial appeal package to USCA consisting of copies of notice of appeal, order/judgment being appealed, and motion, if applicable to USCA re <u>14</u> Notice of Appeal. (Attachments: # <u>1</u> Notice of Appeal, # <u>2</u> Order Dkt. 13)(AFC) (Entered: 05/27/2020)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
05/27/2020 19:07:34			
PACER Login:	89-20186-0	Client Code:	
Description:	Docket Report	Search Criteria:	3:19-cv-01433-HES-JBT
Billable Pages:	2	Cost:	0.20