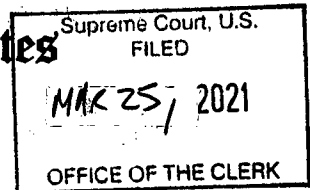


20-1456

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

CELESTINE

In The  
**Supreme Court of the United States**



WALTER OSBORNE,

*Petitioner,*

vs.

5th DCA OF FLORIDA,

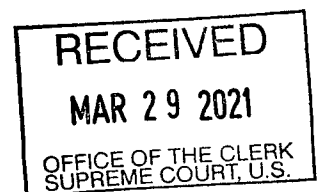
*Respondent.*

On Petition For Writ Of Certiorari  
To 5th DCA Of Florida

**PETITION FOR WRIT OF CERTIORARI**

WALTER OSBORNE  
2321 Red Ember Rd.  
Oviedo, Florida 32765  
(407) 491-5889  
ko32765@att.net  
*Pro Se*

February 9, 2021



Question #1

This is the main question for this brief.  
Other Alternative Questions are background info  
so Court is aware of much bigger problems in  
5th DCA area of Florida.

Can I get an impartial review via 5th DCA.  
Answer is absolutely no, based on what I have  
documented for 10 years.

So 5th DCA should help me obtain a change of  
venue to the 1, 2, 3, or 4th DCA via recuse  
themselves from my cases, forever.

So I request that USA require a change of venue  
for my current and future cases appealed.  
My preference is the 4th DCA.

See following 5th decision in Appendix which  
prevents me from getting a change of venue  
to another unbiased DCA.

**ORDERED** that Petitioner's "... Verified Motion  
to Disqualify the 5th DCA and Transfer Case to  
An other District Court of Appeals [sic]," filed  
December 22, 2020, is treated as an en banc  
motion to disqualify the entire court and denied.

Appendix A1: 5D20-2494.

### List of Parties and Related Cases

Glenn Todd Williams and Douglas E. Kellogg  
Williams Law Firm represents Williams and Kellogg.

State Supreme does not have jurisdiction for an appeal or cert for me, related to 5th decisions. And State Supreme has declined to solve the problem of 5th bias, for unknown reasons.

### Not Fair

The family of judges at the 5th has been biased against me for 10 years.

Psychology 101: The problem is bias of “family” of judges at 5th. So my only remedy is to request a different DCA, which is a simple change of venue.

Non-party: Burgos and Avellaneda are no longer active in this case.

Non-party: Kellogg dummy corporation for himself only, and used to mislead State courts. Douglas E Kellogg Enterprises Inc.

Non-party: State Supreme does not have jurisdiction for either an Appeal or a Cert of my kind of case.

Related Cases:

5thDCA: See my list of 13 recent 5thDCA cases in **Appendix p. A2**

All unnecessary, if 5th did thing correctly, like grant a Prohibition to stop defective local judge from continuous violate of my civil rights. This local judge hurts the credibility of the entire system. See my two cites from West Virginia, where Feds of course, again, discovered that some State courts are a problem.

List of Parties and Related Cases – Continued

18th lower level cases

2018ca479 Osborne v Kellogg

Other defendants are irrelevant because settled or not participate.

Burgos terminated Kellogg eventually, and Burgos is now a best friend.

And Burgos is concerned about Williams actions, because of. . . .

2020ca111 Osborne v Williams and Kellogg.

Florida Bar letter shows that Bar recommend I sue Atty Williams and refile my complaint about William's unethical intimidation of one of my attorneys. Bar is not an effective remedy about Williams intimidation tactics, which hurts the credibility of the whole system.

Help Please: We need to stop the long term violation of civil rights of many persons in Florida via persons like Williams, who use intimidation, half-truths, and mislead State courts.

Help Please: Good attorneys in Florida are afraid to sue other attorneys in Florida, and afraid to disagree with State judge misconduct. So the credibility of whole State system is hurt, every week of the year.

Help Solution: Suggest Increase funding of Feds so Feds can investigate civil rights problems.

Suggest Decrease State funding, which is typically a half-truth cover-up of problems. Too much State money spent to hide problems.

Difficult to believe, but sad truth, similar to how Southern States handled the KKK situation after Civil War #1.

List of Parties and Related Cases – Continued

Help Please: See my exhibit in appendix showing **Florida most corrupt State**, because State causes half-truth cover-ups, not solutions. And I cannot appeal to State Supreme.

## TABLE OF CONTENTS Summary

1. Questions with Options
2. Parties, not in caption
3. Other items in pro se list, which the Court publishes.

## Index of Appendices

Three page annotated TOC of Appendix in the Appendix

### **12/30/20 Order of 5thDCA for Review. Deny Im-partial Forum.**

Other orders of 5th showing bias and no remedy and defective other decisions made by 5th.

Sequence Order for Appendix to be explained later

5th Case list. Dates of Selected Decisions included.

12/04/20

12/08/20

12/09/20

11/12/20 supplement Info

11/16/20

12/16/20

Research Report about corruption

### **Patsy USA Supreme Court Decision Full Page Summary**

International #1 Proof Letter from them to me.

International #2 This can be supplied later, related to my current communications with International.

10/14/20 lower court decisions and dates.

## TABLE OF CONTENTS – Continued

Page

**Conduct trial while I was in hospital.**

10/20/20 lower court

11/25/20 lower court Completely false or wrong. Did not follow State or Federal. Made false claims about cases. Nearly perfect world-wide example of a completely wrong decision.

Florida Bar no remedy proof, because they require an impossible.

State has No Remedy Anywhere. List of No Remedy locations I have researched.

Info State Supreme Moved to Brief

Info of my Flyer running for State Senate (saved for later pleading).

## Table of Authorities

See Jurisdiction etc.

For this particular case, the Jurisdiction is top priority. You can base all decisions on Art VI and Federal Substance Due Process Violations

## Opinion for Review by USA Supreme

OPINIONS BELOW.

See appendix

See TOC above

## Opinion for Review

1. 5th Short opinion deny Impartial Decision Maker. See Appendix decision.

I submitted an affidavit about 5th being biased against me for various reasons.

2. See Appendix Summary of Decisions and orders

TABLE OF CONTENTS – Continued

Page

Florida Absurd Policy #1 of #10:

**1. Biased decision makers make final decisions about bias.**

2. to 10. No remedy for violate civil rights via half-truths, etc.

No remedy for local court conduct trial while I was in the hospital – Truly Unbelieveable. Ask International about this absurd event.

See my documented 13 cases of bias, bias, and more bias.

My request for transfer my current case to 1,2,3, or 4thDCA was logical.

This is a simple “change of venue”

Recall that Patsy v Florida Entity (See A for one page summary).

**You decided Patsy could have an Impartial.**

And Patsy did not have to endure a half-truth cover-up by Florida entities.

Since 1, 2, 3, 4th are all excellent and unbiased,  
the easy solution was to send my appeal to  
4thDCA or 1, 2, 3

Absurd Repeated:

Biased decision makers are making  
final decisions on bias.

See my documented 13 cases of bias, bias,  
and more bias.



TABLE OF CONTENTS – Continued

	Page
My request for transfer my current case to 1,2,3, or 4thDCA was logical.	
This is a simple “change of venue”	
Perfect Worldwide proof of Error:	
Conducted a trial while I was in the hospital.	
INDEX TO APPENDICES	
Contents Summary two pages at begin of Appendix	
APPENDIX	
12/30/20. Appeal of 5th DCA Court Decision and Un-fair Reality:	
Walter, you will receive a biased pca or biased opinion, like we have given you 12 times before.	
5th and State Level decisions examples. See my annotations for these biased or half-truth decisions on page.	
Publisher would not let me annotate the actual decisions, with my comments.	
APPENDIX	
USA	
Patsy v. Florida Entity. USA Supreme decision full page.	
“Patsy will get an impartial opinion about her concerns.”	
Patsy will not have to endure a Florida half-truth cover-up.	
State spends too much money on cover-ups. More details available.	

TABLE OF CONTENTS – Continued

Page

APPENDIX

International per Art VI supremacy. See Jurisdiction for Art Vi wording.

See web for wording of UN civil (human) rights treaties we have approved.

One treaty uses “effective remedy” which is simple words for Federal Substantive Due Process.

APPENDIX

Florida Bar is no remedy

Florida will never provide an “effective remedy”.  
Remember the KKK and remember my cases forever.

APPENDIX

Florida Police have no jurisdiction, so Florida should be declared a cover-up State, by UN and OAS General Assemblies.

I can prove this with details of my research about Florida as of 2020. Excellent Feds are over-worked and under-funded for small cases.

## TABLE OF AUTHORITIES

Page

(See the cite details and wording in the Appendix and Jurisdiction section.)

Art VI USA Constitution See Jurisdiction

**Federal Supremacy in Art VI is ---no bluff---**. State lost civil war #1. And recall the two flights in WWII that resulted in a total a surrender.

Federal is Supreme in USA forever. And USA Supreme Court can protect USA citizens living in any State.

Patsy v Florida Agency (see cite details in Appendix)

Art VI Supremacy and International

Endless half pages cites. See my endless cites in 2018ca479 Osborne v Kellogg. I give the cite and then half page from the cite.

But error-prone Judge conducts Trial while I am in hospital, so complete injustice in this half-truth cover-up by defendants.

Serious problem: Feds are under-funded so they cannot investigate small issues like my situation.

Michael Thornsburry acted more like a Third World dictator than a West Virginia county judge, a federal judge said Monday before sentencing him . . . to prison.

W.Va. Supreme Court Justice Allen Loughry Is Charged With . . . A federal grand jury has indicted West Virginia Supreme Court Justice Allen Loughry on a number of serious charges, from fraud to making false statements and witness tampering.

See my Jurisdiction. I include Authorities in my Jurisdiction, because you need it there.

TABLE OF AUTHORITIES – Continued

Page

You do not need Authorities, if you have Jurisdiction.

You can decide things on violated Federal Substantive  
Due Process.

## OPINIONS BELOW

The opinions in the appendix include printed words that show they are from the

-----1. Docket of 2018ca479, which is public information on Seminole court website.

The decisions at the local court are false and half-truths. So you can ignore them.

-----2. Docket from the 5thDCA, which is semi public information.



## JURISDICTION

Jurisdiction For Help From USA Supreme or Feds

### USA Art VI

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made [---International---], or which shall be made, under the authority of the United States, **shall be the supreme law of the land; and the judges in every state shall be bound** thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

1. Defendant, judge, and attorney conduct a trial while I was in hospital

Defendant, judge, and attorney conduct a trial while I was in hospital

Defendant, judge, and attorney conduct a trial while I was in hospital

2. And there were serious threats of jail to prevent me from appealing

3. State Police cannot investigate above problem or other similar problems.

Dear USA Supreme: Based on above shocks, do the words half-truth cover-up come to mind???

4. 5thDCA is only defective DCA in Florida. The 1,2,3,4thDCA are excellent.

5. Central Florida Court decisions are sometimes half truths to hide some things

Jurisdiction For Help based on my credibility

I am a native Floridian. My grandfather, was important in Florida. I ran for public office. I am very well educated via formal education and experience after (professor).

So I knew that ----Federal is the only effective remedy in Florida---so I always plead Federal in all my cases---so I can appeal to Federal and International for help.

The solution to Justice in our World is International, not States within a country. Nuremberg Trials are a partial start. Long term prison terms violate "torture" principles. So what do I suggest.

5. 28 usc 1257 Review of State court of last resort

State Supreme does not offer cert or appeal of 5th decisions.

18 usc 1651 All writs power

International approved treaties (about 5 each).

Federal and USA supreme cites in 2018ca479 which has 400 docket items and most of the 400 are my efforts.

5th DCA is last State resort for this case. I can prove this with previous attempts to get State Sup to decide issues over a 10 year period.

State Supreme is sometimes helpful ---indirectly---, because they do not immediately dismiss cases or transfer them immediately.

So bad persons have to wonder what might happen.

6. Rule 10 USA states Jurisdiction not limited to items in the list.

I cite Federal all the time.

7. Art VI Supremacy which activates all the Federal Civil Rights.

Including 42usc1983 etc Emphasis: We do have other good 42usc laws.

18usc bad behavior words, without the penalties listed in 18usc are a helpful deterrent.

USA Bill of Rights and Constitution. I did a detailed analysis in one Federal case in the past and could look that up and present it in a Brief.

Federal cites in all my pleadings over 20 years.

8. Case involves fraud by defendant and his attorney related to a Federal Reserve Bank loan, gives supplemental jurisdiction.

9. USA Art VI



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

See my Jurisdiction which includes this and

ArtVI usa constitution for supremacy, all Federal laws, and approved

international principles like “effective remedy”

Federal and International Civil Rights

42usc1983 and all related Federal, including words used in 18usc laws about bad behavior like

There are other Civil (not criminal) civil rights laws that have some good words in them.

I have included 18usc words for three reasons:

1. The words are very clear related to bad behavior that should result in punitive damages in a civil case. Example: “**Intimidate**” which was used often in



case by Williams, directly and indirectly. And Oppression tactics.

2. I want to get International to institute Nuremberg type trials that include the death penalty for persons like two persons in my documented case. Long term prison terms are a violate of torture treaties. And death is not bad.

Federal is and should be supreme, per Art VI. States will always do things backwards and then do a half-truth cover-up, just like they did after the Civil War #1, related to the KKK problem.

18usc laws: The principles of protecting civil rights, not the penalties in these laws.

**Conspire, injure, oppress, threaten, intimidate** are examples.

Various kinds of Intimidate was a serious violation of civil rights in this 3 year case. The 5th is too dumb to know how to solve this kind of problem, so forget the 5th family.

I need the 1, 2, 3, 4th DCA who can help improve things but never the 5th, unless you replace about half the current judges, so as to break the family tradition at the 5th.

This is psychology 101 about "family" principle. Replace one person, and the former "family" tradition continues.

18usc 241 bad behavior (not the penalties)

conspire to injure, oppress, threaten, or intimidate any person in any State intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

**Shock Example:** Deliberate intent to stop me from filing an appeal via real threats of putting me in jail, where impossible for me to meet deadlines or to file appeals.

And the 5thDCA dumb written decision in another case, that a person can have access to courts via an attorney--[which only costs a citizen a 20,000 retainer].

Who can afford to spend that amount of money. And half the parties in cases lose.

This kind of “family” perception needs to be broken.

Any thing the 5th might perceive about anything, is probably wrong. Perfect example is the cite I mention above. See my list of 13 cases in Appendix. Citizens will always need help from Federal.

Unbelievable Williams should face an International trial like Nuremberg Truly unbelievable, which can be proved via an external investigation.



## STATEMENT OF THE CASE

### Introduction

One Federal Issue: This petition arises from the Petitioners denial of his due process rights in defending himself in a civil matter against "high dollar per hour" attorney fees, that were generated to cover-up dishonesty with a Federal Reserve Bank, related to construction and environmentally protected area, which could cause Federal Reserve Bank to lose money, because a previous project in the area was shut down, causing loss of money spent on project, as one example of how contractors cause loss of money, by trying to hide real things that they know they should not be doing in rural environmental protected areas.

The other issues are violation of Federal Substantive Due Process over 2.5 years.

This includes serious

No Impartial Decision Makers

**Trial while I was in hospital**---An excellent issue to make International aware of.

Bad psychology of family tradition decision makers, who perpetuate wrong perceptions, and a bad prima donna attitude.

Intimidation of two of my attorneys by other side. Attorneys are afraid to disagree with judges and other attorneys. So there is "no effective remedy" using the words of one International treaty.



### **REASON FOR GRANT WRIT**

12/30/20. Appeal of 5th DCA Court Decision and Unfair Reality of unfair actions by 5th on 14 cases and deny Prohibits etc reto lower court violate Federal Civil Rights. I recently filed details of gross violate of civil rights by lower level. They use real jail threats to stop persons from appealing lower level mistakes.

The Reality of My list of fourteen 5th DCA cases and all decision, including the 12/30/2020 decision that is being appealed to the 5th. If I file a Brief, and 5th make a typical biased decision, then I cannot have any other review, because State Supreme does not review 5th DCA decisions.

See appendix decision on case 5D20-2494 where 5th refuses to disqualify or refuse to recuse or refuse to transfer my cases to 4th DCA or other DCA.

If they recuse, then I will get option to file with another DCA. If they refuse, I need to file with them, because of my physical location close to the 5th DCA.

More Info Good News related to 1, 2, 3, 4th DCA of Florida. All are excellent and I should get a change of venue to one of them. USA could issue a show cause why 5th refuses to transfer my cases to an impartial forum.

The 5th DCA violates civil rights of USA Citizens all the time, by refusing to issue Prohibition to local courts from violating civil right of USA Citizens. Absurd: Lower level uses real JAIL threats to stop citizens from filing appeals about their mistakes. Horrible

violation of Civil Rights, and myself and others have No Remedy.

See my perfect documentation of lower level continuous mistakes.

The order on appeal is deny to recuse so I can have a change of venue.

**ORDERED** that Petitioner's " . . . Verified Motion to Disqualify the 5th DCA and Transfer Case to An other District Court of Appeals [sic]," filed December 22, 2020, is treated as an en banc motion to disqualify the entire court and denied.

Appendix A1: 5D20-2494.

**UNFAIR DECISIONS IN APPENDIX:**

Dec 30---A1 appendix page numbers

About 9 5thDCA judges, **who have good reasons to be biased against me because of my past criticism of them**, my pro-se status, and other actions that make this group extremely biased about me.

The **1, 2, 3, 4th would have zero bias** about me, so a change of venue was needed for impartial on merit.

So a cover-up of false local decisions would be an absolute certainty.

**Biased persons making final decisions about bias.**

Typical dumb by prima donna 5th: Brown and Westfall irrelevant.

Dec 4----A3 page

5th endless cover-up of problems at lower levels.

A common sense problem, needs to be reviewed.

Dec 8----A4 page

5th cover-up of lower courts.

**They did not like what I had documented as error, so they deny on merits.**

Dec 9----A5 page

I need to be able to change venue,  
to an unbiased decision maker.  
10 adverse decisions is proof of bias.

All wrong 5th gross injustice.

We need to appeal a decision, that  
would completely stop a case now.

**No need to waste time on continue, when it  
was obvious now that case should end now.**

Nov 12 my pleading---A7 page

State atty general needs guidance.  
You do not hire war-game specialist  
to defend bad behavior State employees.

Nov 16---A9 page

Typical cover-up by 5th.  
I filed another Prohibit later, and they  
**assumed it was a duplicate—So  
a biased group who pre-judges things.**

My request for change of venue to  
a different group was denied later.  
Total injustice caused by biased 5th.

Dec 16---A10 page

1, 2, 3, 4thDCA are excellent, but half the 5th family  
should be moved or retired early.

You do not “deny access to courts” via these dumb  
judges, via a Cert. You conduct a jury trial for  
such a gross violate of civil rights. **Or you give  
a person multiple warnings like our  
wise Federal Courts.**

Dumb--Dumb decisions.  
See their own cited Favreau decision.

I got an estimate of 20,000 retainer fee,  
for one of Roberts decisions at lower  
level. ---**Not access to courts---**

And State Supreme does nothing about  
complaints about the 5th dumb decisions,  
because they claim no jurisdiction.

Jan 22 2014 News---A12 page

**Florida is ----most--- corrupt State**

Compare

Florida 824

California 547

And CA has much greater population.

Partial Reason: Defective DCA like the 5thDCA,  
who encourages corruption via. . . .

June 1982-----A13 page

Patsy v Florida Entity

Patsy did Continuous Appeals to the  
USA Supreme and won

**“You get to present your concerns to an  
Impartial.” You do not have to endure a  
half-truth cover-up from Florida.**

=====

Oct 14---A17 page

Most absurd decision in world in last 100 years

Lower Court Half-truth Decisions



Unbelievable--**Conducted a trial while I was  
in hospital.**

And did something similar later.

**Will this cause the UN and OAS General  
Assemblies to think**

"I wonder what they wanted to cover-up with  
half-truths??"

4. is half-truth cover-up.

**Completely misleading False.**

A USA citizen needs to be able to get Police to  
investigate a state judge like this. **See my example  
where Feds found similar problem in W.VA.**

**No remedy and a 5th Biased review, for this**  
can cause a serious discredit to any justice system  
in the world.

Oct 20---A18 page

My attorney gave details of my hospital on  
Friday and Saturday  
Defendant conduct a trial while I was in hospital.  
Unbelievable.

Nov 25---A20-21 page

Absurd decision.

Whole situation was a fraud cover-up.

20 days absurd

**Threat of Jail more than once to prevent  
me from an Appeal.**

See the devious 9. Writs of bodily attachment etc.

Fed are over worked and underfunded.  
State prevents the State Police from investigate  
this kind of fraud.

**Guess what UN and OAS General Assemblies will think about Florida 5thDCA:** Most Corrupt news article and what I have documented, so as to request some improvement via Supreme law which should continue to be Federal and USA Supreme Court.



## **CONCLUSIONS AND WHEREFORE**

1. I request a delay in making decision about accepting this, so I can obtain several amicus briefs in support.

2. Issue a show cause to 5th and/or State Supreme about how they plan to provide an Impartial Decision Maker for my Art VI complaints, when I consistently plead ArtVI supremacy and Federal plus International civil rights, at lower and higher levels of State courts. Since I have State issues in cases, I need to file in State Courts.

Easy solution: Let me file appeals with 4thDCA, close to where I got my Doctorate in Higher Education.

3. State is a complete failure related to civil rights in the 5th area of Florida. This is an exact duplicate of problem after civil war, where the Feds had to solve problems with KKK advocates, because States were a failure.

4. And remind Florida of Federal Supremacy and of the two flights over Japan, in WWII. If there was a second civil war, Federal could win it in 3 days.

Recall all the half-truths that State gave you in Patsy case. State currently wants to cover-up its continuous mistakes, because of poor management.

5. The best solution for civil rights in the South is for USA Supreme Court to request the excellent Feds to investigate complaints, like my complaint. State is currently a complete failure and does not investigate valid complaints. See my exhibit where State is the most corrupt State in USA.

6. Special conditions: I am 74 and sick. My best friend died year ago. This 3 year torture situation has been devastating to my physical health. So I am unable to do a good brief, like I could have done as a professor at age 64.

Submitted by  
WALTER OSBORNE  
2321 Red Ember Rd  
Oviedo, Florida 32765  
407 491 5889 ko32765@att.net  
Pro-se, with much experience.