

# APPENDIX A

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-12125-C

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EDWARD SHANE WEST-EL,

Plaintiff-Appellant,

versus

THE CITY OF MIAMI GARDENS,  
FLORIDA,  
MIAMI-DADE COUNTY, FLORIDA,  
THE CITY OF MIAMI GARDENS POLICE  
DEPARTMENT,  
Employee with the Badge #732,  
DAWN GRACE JONES,  
MICHELLE SAMUEL, et al.,

Defendants-Appellees.

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

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Before: WILSON, JILL PRYOR and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Edward Shane West-El has appealed from the district court's September 9, 2019 order dismissing his complaint as frivolous pursuant to 28 U.S.C. § 1915. We lack jurisdiction to review the final judgment because none of West-El's post-judgment filings are timely to appeal that order. *See* 28 U.S.C. § 2107(a) (requiring a notice of appeal to be filed within thirty days after entry of judgment); Fed. R. App. P. 4(a)(1)(A), (7)(A); *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13,

21 (2017); *Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300–02 (11th Cir. 2010) (explaining that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement, and courts cannot entertain an appeal that is out of time).

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 27-2 and all other applicable rules.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:19-cv-23711-UU

EDWARD SHANE WEST-EL,

Plaintiff,

v.

THE CITY OF MIAMI GARDENS  
et al.,

Defendants.

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**ORDER**

THIS CAUSE comes before the Court upon Plaintiff's *pro se* Motion for Leave to Proceed *In Forma Pauperis* on Appeal (the "Motion") (D.E. 10).

THE COURT has considered the Motion and is otherwise fully advised in the premises.

On September 9, 2019, this Court dismissed as frivolous Plaintiff's *pro se* Complaint alleging that as a citizen and "natural person" of "The Moorish Republic – Moorish Divine and National Movement of the World," his due process and equal protection rights were violated when he received a red-light ticket and fine in Miami Gardens. D.E. 5.

Nine months later, on June 9, 2020, Plaintiff filed a notice of appeal.<sup>1</sup> D.E. 8. In the instant Motion, titled "Affidavit of Financial Statement," Plaintiff simply recites Article VI; Article I, Section 10; Amendment V; and Amendment IX of the United States Constitution. Under Federal Rule of Appellate Procedure 24(a), a litigant may move for leave to proceed *in forma pauperis* on appeal:

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<sup>1</sup> The Court notes that the appeal is untimely. Fed. R. App. P. 4(a)(1)(A) ("In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from."). None of the enumerated exceptions appear to apply.

Edward Shane West-El, *pro se*  
Copies provided:

UNITED STATES DISTRICT JUDGE  
URSULA UNGARO



DONE AND ORDERED in Chambers at Miami, Florida, this 10th day of June, 2020.

ORDERED AND ADJUDGED that Plaintiff's Motion, D.E. 10, is DENIED.

hereby

the action or appeal is frivolous or malicious"); Fed. R. App. P. 4(a)(1)(A). Accordingly, it is 1915(e)(2)(B) (allowing courts to dismiss the matter "at any time if the court determines that . . . appeal. Moreover, the appeal is frivolous given Plaintiff's untimely notice of appeal. 28 U.S.C. § not claim an entitlement to redress, and does not state the issues that he intends to present on Fed. R. App. P. 24(a). The instant Motion does not show in detail Plaintiff's inability to pay, does (C) states the issues that the party intends to present on appeal.

(B) claims an entitlement to redress; and

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

U.S. District Court - Southern District of Florida

Edward Shane West-El  
17701 NW 32nd Ave  
Miami Gardens, FL 33056

Case: 1:19-cv-23711-UU #11 4 pages Wed Jun 10 15:22:25 2020

IMPORTANT: REDACTION REQUIREMENTS AND PRIVACY POLICY

Note: This is NOT a request for information.

Do NOT include personal identifiers in documents filed with the Court, unless specifically permitted by the rules or Court Order. If you MUST include personal identifiers, ONLY include the limited information noted below:

- Social Security number: last four digits only
- Taxpayer ID number: last four digits only
- Financial Account Numbers: last four digits only
- Date of Birth: year only
- Minor's name: initials only
- Home Address: city and state only (for criminal cases only).

Attorneys and parties are responsible for redacting (removing) personal identifiers from filings. The Clerk's Office does not check filings for personal information.

Any personal information included in filings will be accessible to the public over the internet via PACER.

For additional information, refer to Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1. Also see the CM/ECF Administrative Procedures located on the Court's website [www.flasd.uscourts.gov](http://www.flasd.uscourts.gov).

IMPORTANT: REQUIREMENT TO MAINTAIN CURRENT MAILING ADDRESS AND CONTACT INFORMATION

Pursuant to Administrative Order 2005-38, parties appearing pro se and counsel appearing pro hac vice must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs. If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent to that party until a current mailing address is provided.

IMPORTANT: ADDITIONAL TIME TO RESPOND FOR NON-ELECTRONIC SERVICE

Additional days to respond may be available to parties serviced by non-electronic means. See Fed.R.Civ.P.6(d), Fed.R.Crim.P.45(c) and Local Rule 7.1(c)(1)(A). Parties are advised that the response deadlines automatically calculated in CM/ECF do NOT account for and may NOT be accurate when service is by mail. Parties may NOT rely on response times calculated in CM/ECF, which are only a general guide, and must calculate response deadlines themselves.

See reverse side

Subject:Activity in Case 1:19-cv-23711-UU West-El v. The City of Miami Gardens, Florida et al Order on Motion for Leave to Proceed In Forma Pauperis on Appeal

This is an automatic e-mail message generated by the CM/ECF system.

Please DO NOT RESPOND to this e-mail because the mail box is unattended.

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court  
Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 6/10/2020 3:09 PM EDT and filed on 6/10/2020

Case Name: West-El v. The City of Miami  
Gardens, Florida et al  
Case Number: 1:19-cv-23711-UU

Filer:

WARNING: CASE CLOSED on 09/09/2019

Document Number: 11

Docket Text:

ORDER denying [10] Motion for Leave  
to Proceed in Forma Pauperis on Appeal. Signed by Judge Ursula Ungaro  
on 6/10/2020. <I>See attached document for full details.</I> (amb)

1:19-cv-23711-UU Notice has been electronically mailed to:

1:19-cv-23711-UU Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

Edward Shane West-El  
17701 NW 32nd Ave  
Miami Gardens, FL 33056

# **APPENDIX B**

CITY OF MIAMI GARDENS  
Police  
18611 NW 27th  
Miami Gardens, FL 33056  
305-474-1413  
Welcome

000136-0024 Kim M. 07/18/2019 01:51PM

**POLICE**

Payment Tran Code: Red

Light Hearing Upheld

(rlahu)

Description:

0891900391865

Red Light Hearing Upheld

(rlahu)

2019 Item: rlahu

Red Light Hearing

Upheld (rlahu)

308.00

308.00

Subtotal

308.00

Total

308.00

CASH

320.00

CASH

-12.00

Change due

-12.00

Paid by: edward west

Thank you for your payment

CUSTOMER COPY



City of Miami Gardens  
Intersection Safety Program  
PO Box 22091  
Tempe, AZ 85285-2091

## FINAL ADMINISTRATIVE ORDER VIOLATION UPHELD



EDWARD SHANE WEST  
17701 NW 32 AVE  
MIAMI GARDENS, FL 33056

### DEFENDANT INFORMATION

NAME: EDWARD SHANE WEST  
ADDRESS: 17701 NW 32 AVE  
MIAMI GARDENS, FL 33056

LICENSE PLATE: BRLR52 STATE: FL  
NOTICE #: 0891900391865  
PIN: 3713

### HEARING INFORMATION

HEARING DATE: 06/18/2019

HEARING TIME: 1:00 pm

HEARING LOCATION: City of Miami Gardens Council Chambers  
18605 NW 27th Avenue  
Miami Gardens, FL 33056

DETERMINATION: VIOLATION UPHELD

REASON: GENERAL DENIAL

AMOUNT DUE: \$308.00

DUE DATE: 07/31/2019

This order is final and rendered on 06/18/2019.

SIGNED: /S/ DAWN GRACE-JONES of City of Miami Gardens.

After hearing on the above-referenced Notice of Violation ("Notice") pursuant to Florida Statute § 316.0083, and after a determination that there was substantial competent evidence to support a violation of Florida Statute § 316.074(1) or § 316.075(1)(c)1 in the above-referenced case, the Local Hearing Officer has UPHELD your violation. You are hereby required to pay the total amount due by the due date listed on this Final Administrative Order.

If you fail to pay the full amount in accordance with the terms of this Final Administrative Order by 07/31/2019, or fail to comply with the terms and conditions of an approved payment plan, the Department of Highway Safety and Motor Vehicles will place a hold on the issuance of a license plate or revalidation sticker for any motor vehicle owned or co-owned by you pursuant to Florida Statute § 320.03(8) until the amounts assessed have been fully paid.

You may appeal this Final Administrative Order pursuant to Florida Statute § 162.11.

### Payment Instructions

**ONLINE PAYMENT:** The fastest and easiest way to pay the amount due is to pay online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the box at the top. Click the Pay button. There is a convenience / service fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-790-4111 24 hours a day, 7 days a week. There is a convenience / service fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to City of Miami Gardens) with the coupon printed at the bottom. **DO NOT MAIL CASH.** Be sure to put the Notice # on the face of your payment.

**PAYMENT IN PERSON:** You may pay in person by check, money order, or credit card (Visa or MasterCard) at the Miami Gardens Police Department located at 18611 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday thru Thursday 8:30 A.M. TO 4:00 P.M. (closed on Fridays). You may also pay at the City of Miami Gardens City Hall, located at 18605 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday between 7:30am - 6:00 pm.

**CUSTOMER SERVICE:** If you have any questions, please call Customer Service at 1-866-790-4111 between 8:00 AM - 5:00 PM EST.

Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address below.



NAME: EDWARD SHANE WEST	DUE: 07/31/2019		
NOTICE #: 0891900391865	ISSUED: 06/18/2019		
PLATE: BRLR52	STATE: FL	TYPE:	

- Make your check or money order payable to the City of Miami Gardens.
- DO NOT MAIL CASH.
- Write the Notice # on the front of your payment.
- Mail this tear-off coupon along with your payment.

City of Miami Gardens  
Payment Processing Center  
PO Box 742527  
Cincinnati, OH 45274-2527

AMOUNT DUE: \$308.00

5 0891900391865 000022188693 308000



## Account Details

Account Details

**Account Number:** 0891900391865 000022188693

EDWARD WEST

17701 NW 32 AVE

MIAMI GARDENS FL 33056

License Plate: BRLR52

## Balance Information

Date	Description	Amount	Created By
03/28/2019	Red Light Violation Fine	\$158.00	SYSTEM
05/02/2019	Cancellation Fee	\$50.00	SYSTEM
06/26/2019	Cancellation Fee Reduction	-\$50.00	SYSTEM
06/26/2019	Court Costs	\$150.00	SYSTEM
07/18/2019	Payment 72455351 Applied	-\$308.00	KMCBEAN

<b>Total Amount Due:</b>	<b>\$0.00</b>
<a href="#">ADD PAYMENT</a>	

# **APPENDIX C**

# **M A N D A T E**

**FROM CIRCUIT COURT  
APPELLATE DIVISION  
ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

APPELLATE CASE #: 2019-000189-AP-01

**THE ORIGINAL FILED**

EDWARD S. WEST-EL

vs.

CITY OF MIAMI GARDENS

**ON FEB 06 2020**

**IN THE OFFICE OF  
CIRCUIT COURT MIAMI-DADE CO  
CIVIL DIVISION**

This cause having been brought to this Court by appeal, and after due consideration the court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause in accordance with the opinion of this COURT attached hereto and incorporated as part of this order, and with the rules of procedure and laws of the STATE OF FLORIDA.

Lower Tribunal Case Number(s): 0891900391865

WITNESS the Honorable Lisa S. Walsh, Administrative Judge of the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit of Florida and the seal of the said Circuit Court at Miami, this 6<sup>th</sup> day of February, 2020.

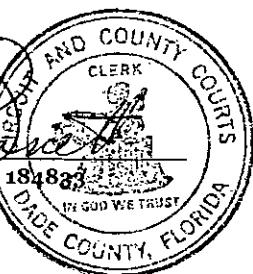
A True Copy

Attest

*Harvey Rubin*  
Clerk of Courts

By: *Tanya D. Bennett*

Tanya D. Bennett, 184837  
Deputy Clerk,



# **APPENDIX D**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

Not Final Until disposition of timely filed motion for rehearing, clarification, or certification

CASE NO.: 2019-000189-AP-01  
LOWER COURT CASE NUMBER: 0891900391865

EDWARD S. WEST-EL  
Appellant(s)

vs.

CITY OF MIAMI GARDENS  
Appellee(s)

An Appeal from the County Court for Miami-Dade County, Florida.

EDWARD S. WEST-EL, PRO SE, for appellant(s).

MICHELE SAMAROO, ESQ., for appellee(s).

Before Daryl E. Trawick, Lisa S. Walsh, and Thomas J. Rebull, JJ. (panel)

PER CURIAM.

Affirmed.

This 21 day of January, 2020.

Judge Daryl E. Trawick

Judge Lisa S. Walsh

Judge Thomas J. Rebull

CC:  COPIES FURNISHED TO ALL PARTIES OF RECORD

CLERK, CIRCUIT COURT OF COUNTY, FLA.  
DADE COUNTY, FLA.  
CIVIL #37

FILED FOR RECORD  
2020 JAN 21 PM 2:15

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

Not Final Until disposition of timely filed motion for rehearing, clarification, or certification

CASE NO.: 2019-000189-AP-01  
LOWER COURT CASE NUMBER: 0891900391865

*Jackie Unisac*  
2/6/20  
10/24 AM  
EDWARD S. WEST-EL  
Appellant(s)

vs.

CITY OF MIAMI GARDENS  
Appellee(s)

CLERK, CIRCUIT & COUNTY COURT  
DADE COUNTY, FLA.  
CIVIL #37

2020 JAN 21 PM 2:15

FILED FOR RECORD

An Appeal from the County Court for Miami-Dade County, Florida.

EDWARD S. WEST-EL, PRO SE, for appellant(s).

MICHELE SAMAROO, ESQ., for appellee(s).

Before Daryl E. Trawick, Lisa S. Walsh, and Thomas J. Rebull, JJ. (panel)

PER CURIAM.

Affirmed.

This 21 day of January, 2020.

Judge Daryl E. Trawick

Judge Lisa S. Walsh

Judge Thomas J. Rebull

CC: COPIES FURNISHED TO ALL PARTIES OF RECORD

# **APPENDIX E**

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

EDWARD SHANE WEST,

Appellant,

v.

APPELLATE COURT CASE  
NO. 2019-000189-AP-01

LOWER COURT CASE  
NO. 0891900391865

CITY OF MIAMI GARDENS,

Appellee.

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**APPENDIX TO ANSWER BRIEF**

1. Notice of Violation
2. Hearing Request
3. Administrative Hearing Notification Letter
4. Final Administrative Order
5. Violation Evidence Report

Your vehicle was observed by a traffic infraction detector failing to comply with a steady red light signal, in violation of Florida Statutes §§ 318.0083, 318.074(1) and 318.075(1)(c). At the intersection, date, and time stated on the front page of this Notice of Violation ("Notice"). This is a non-criminal infraction of state law. No points will be assessed and this infraction may not be used to set motor vehicle insurance rates.

This Notice has been issued by the City of Miami Gardens.

You have the following three options:

- a) Pay this violation in the amount of \$158.00 on or before the due date specified on the front of this Notice; or
- b) Submit an affidavit by following the instructions below; or
- c) Request a hearing by signing and mailing the form below. You will be notified by letter of the time, location and date of the hearing. If you request a hearing and the Local Hearing Officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed. If the Local Hearing Officer concludes that an infraction has been committed, the Local Hearing Officer will uphold the infraction, and you will be responsible for payment of a \$158.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the Local Hearing Officer.

**SUBMISSION OF AFFIDAVIT:** You may download an affidavit at [www.ViolationInfo.com](http://www.ViolationInfo.com). As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$158.00 penalty unless, in compliance with Florida Statute § 316.0083(1)(d)1.a-d, you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (b) passed through the intersection at the direction of a law enforcement officer; (c) was, at the time of the violation, in the care, custody, or control of another person; or (d) a Uniform Traffic Citation ("UTC") was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice. The affidavit must be sworn before a notary public or other person authorized to administer oaths. If you assert that the vehicle was in the care, custody, or control of another person, you must provide the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice, then you must include the serial number of the UTC. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.0083, then no further action will be taken against you. The submission of a false affidavit is a misdemeanor of the second degree, punishable under Florida Statute § 775.082 or § 775.083 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$600.00. If submitting an affidavit, it must be postmarked on or before the due date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to City of Miami Gardens, c/o Intersection Safety Program, PO Box 22091, Tempe, AZ 85285-2091.

Do not send payment or affidavit to the Clerk of the Court.

If you fail to respond as outlined above, postmarked by the due date, a UTC will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes §§ 316.0083 and 318.14, which include (a) the right to pay the civil penalty in the amount of \$277.00; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$500.00 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

**VIEW YOUR IMAGES AND VIDEO EVIDENCE FOR THIS INFRACTION:** The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You may view your images and video online at [www.ViolationInfo.com](http://www.ViolationInfo.com). You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your video and images at any public library.

**QUESTIONS:** If you have any questions, please contact Customer Service toll free at 1-866-226-8875.  
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

#### PAYMENT INSTRUCTIONS

**ONLINE PAYMENT:** The fastest and easiest way to pay your \$158.00 penalty is online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a convenience / service fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-226-8875 available 24 hours a day, 7 days a week. There is a convenience / service fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to City of Miami Gardens) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this Notice. PLEASE DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the due date.

**PAYMENT IN PERSON:** You may pay in person by check, money order, cash, or credit card (Visa or MasterCard) at the Miami Gardens Police Department located at 18611 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday 8:30 A.M. TO 4:00 P.M. You may also pay at the City of Miami Gardens City Hall, located at 18605 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday between 7:30am - 6:00pm.

#### HEARING REQUEST FORM

To request a hearing on the above referenced Notice pursuant to Florida Statute § 316.0083, please submit the signed and dated coupon below in the envelope provided. The petitioner understands they will be notified of the date, time and location of the hearing. The Local Hearing Officer shall issue a final administrative order. If the Notice of Violation is upheld, the petitioner will be required to pay \$158.00 and may also be required to pay county or municipal costs, not to exceed \$250.00. NOTE: Per Florida Statute, you may cancel your appearance before the local hearing officer by paying the \$158.00 penalty assessed, plus \$60 in administrative costs, before the start of the hearing. The amount due will be \$208.00.

Detach here and return bottom portion as a request for an Administrative Hearing before a Local Hearing Officer.

10891900391865



I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the due date of this Notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf.

Please sign and print name using blue or black ink.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091  
GENERAL CORRESPONDENCE

Document Number: 0891900391865

Date Created: 1/1/0001 12:00:00 AM

Violation Agent  
By Name

RECEIVED BY  
CITY OF MIAMI GARDENS



City of Miami Gardens  
Intersection Safety Program  
PO Box 22091  
Tempe, AZ 85285-2091

06200 1 AB 0.409 T 27  
EDWARD SHANE WEST  
17701 NW 32ND AVE  
MIAMI GARDENS FL 33056-3922

ON (Date) 03/15/2018	AT TIME 07:09 PM	AT LOCATION WB NW 153RD ST. @ NW 37TH AVE	COUNTY MIAMI-DADE
NAME EDWARD SHANE WEST			
STREET ADDRESS 17701 NW 32 AVE			
CITY MIAMI GARDENS		STATE FL	ZIP CODE 33056
DID UNLAWFULLY		<input checked="" type="checkbox"/> OPERATE/DRIVE	<input type="checkbox"/> PARK
V E H I C E	YEAR 2010	MAKE DODG	MODEL C
	L I C E	NUMBER 8R1R52	STATE FL
			REGISTRATION NUMBER F554479
Did the end user commit the following offense: <b>FAILURE TO COMPLY WITH A STEADY RED SIGNAL</b> The recorded images relating to the vehicle stated above are evidence of this violation.			
IN VIOLATION OF: Florida Statutes §§316.0083, 316.074(1) and 316.075(1)(c)			
POLICE DEPARTMENT C. Edward M. Farley		ID# 732	
The traffic enforcement officer or law enforcement officer named above has reviewed the recorded images pertaining the red light signal violation, has identified the license tag number of the violating vehicle and has found sufficient and probable grounds that an offense has been committed.		ISSUE DATE 03/28/2019	
STATUTORY PENALTY OF \$158.00			

**CITY OF MIAMI GARDENS**  
**NOTICE OF VIOLATION**

NOTICE #: 0891900391865  
PIN# 3713

View your video and pay with your Visa or  
MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com)

Amount Due \$158.00  
Due Date: 05/27/2019

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE GO TO [WWW.VIOLATIONINFO.COM](http://WWW.VIOLATIONINFO.COM)

CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091  
HEARING REQUEST

Document Number: 0891900391865

Date Created: 1/1/0001 12:00:00 AM

Received On: 07/26/19  
By: MH/LL/CD



Detach here and return bottom portion as a request for an Administrative Hearing before a Local Hearing Officer.

0891900391865



I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the due date of this Notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf.

0001 058219 966279 26 2527  
Please sign and print name using blue or black ink.

Signature: Edward S. West - El

Printed Name: Edward S. West - El

Phone Number: (486)-277-9818



**City of Miami Gardens  
Intersection Safety Program  
PO Box 22091  
Tempe, AZ 85285-2091**



**EDWARD SHANE WEST  
17701 NW 32 AVE  
MIAMI GARDENS, FL 33056**

**DATE: 05/02/2019**

**PLATE: FL BRLR52**

**RE: Notice of Violation: 0891900391865**

**Version # : 1**

## **ADMINISTRATIVE HEARING NOTIFICATION LETTER**

The hearing date for the above mentioned Notice of Violation ("Notice") has been scheduled for:

**Tuesday, June 18, 2019 at 1:00 PM  
City of Miami Gardens Council Chambers 18605 NW 27th Avenue Miami Gardens, FL 33056**

You may reschedule this hearing once by submitting a written request to the designated clerk to the Local Hearing Officer at the hearing location address above. Your written request to reschedule must be received by the clerk to the Local Hearing Officer at least five (5) calendar days before the day of the originally scheduled hearing. **If you have already rescheduled your hearing you may not reschedule it again.**

If you are receiving a new Administrative Hearing Notification Letter please review the Date, Time and Location of your hearing as one or all of them may have been updated with new information. Please disregard the earlier Administrative Hearing Notification Letter and use only the information provided on the last notification received.

You may cancel your appearance before the Local Hearing Officer by paying the civil penalty of \$158.00 assessed, plus \$50.00 in administrative costs, before the scheduled hearing time. To make a payment online please go to [www.ViolationInfo.com](http://www.ViolationInfo.com) or to make a payment by phone call 1-866-790-4111. There may be a convenience/service fee for this service.

If you choose not to appear, you waive the right to contest this violation and must pay the civil penalty of \$158.00, plus administrative costs up to \$250.00. If the violation is upheld at the hearing you may appeal the Final Administrative Order.



City of Miami Gardens  
Intersection Safety Program:  
PO Box 22091  
Tempe, AZ 85285-2091



EDWARD SHANE WEST  
17701 NW 32 AVE  
MIAMI GARDENS, FL 33056

DATE: 04/05/2019

PLATE: FL BRLR52

RE: Notice of Violation: 0891900391865

Version # : 1

## INSUFFICIENT INFORMATION

Dear Sir/Madam:

Your Affidavit of Non-Responsibility or your Request to Contest the violation has been received and is incomplete for the following reason:

### TO CONTEST THIS VIOLATION, YOU MUST SUBMIT A SIGNED HEARING REQUEST

The Affidavit of Non-Responsibility or Request to Contest the violation did not establish an exemption and will not result in a dismissal, transfer of this Notice of Violation ("Notice"), or a scheduled hearing at this time. If your due date for your Notice has not expired please:

1. Remit payment in the amount of \$158.00;
2. Submit a request for a hearing before the Local Hearing Officer; or
3. Submit a revised and completed affidavit before the expiration of the due date to avoid the issuance of a Uniform Traffic Citation ("UTC").

If your due date for your Notice has expired, a UTC will be issued in your name. Upon issuance of a UTC, you may pay the UTC, request a hearing before the county court judge or magistrate, or submit a completed affidavit.

Please contact Customer Service at 1-866-225-8875 for any questions or go to [wwwViolationInfo.com](http://wwwViolationInfo.com) and insert the Notice # and PIN located on the front of the Notice of Violation.

CITY OF MIAMI GARDENS  
Police  
18611 NW 27th  
Miami Gardens, FL 33056  
305-474-1413  
Welcome

000136-0024 Kim M. 07/18/2019 01:51PM

**POLICE**

Payment Tran Code: Red

Light Hearing Upheld

(rlahu)

Description:

0891900391865

Red Light Hearing Upheld

(rlahu)

2019 Item: rlahu

Red Light Hearing

Upheld (rlahu)

308.00

-----  
308.00

Subtotal	308.00
Total	308.00

CASH	320.00
CASH	-12.00

Change due	-12.00
------------	--------

Paid by: edward west

Thank you for your payment

CUSTOMER COPY

  
**City of Miami Gardens**  
**Intersection Safety Program**  
**PO Box 22091**  
**Tempe, AZ 85285-2091**

## **FINAL ADMINISTRATIVE ORDER VIOLATION UPHELD**



**EDWARD SHANE WEST**  
**17701 NW 32 AVE**  
**MIAMI GARDENS, FL 33056**

### **DEFENDANT INFORMATION**

**NAME:** EDWARD SHANE WEST  
**ADDRESS:** 17701 NW 32 AVE  
MIAMI GARDENS, FL 33056

**LICENSE PLATE:** BRLR52      **STATE:** FL  
**NOTICE #:** 0891900391865  
**PIN:** 3713

### **HEARING INFORMATION**

**HEARING DATE:** 06/18/2019

**HEARING TIME:** 1:00 pm

**HEARING LOCATION:** City of Miami Gardens Council Chambers  
18605 NW 27th Avenue  
Miami Gardens, FL 33056

**DETERMINATION: VIOLATION UPHELD**

**REASON:** GENERAL DENIAL

**AMOUNT DUE:** \$308.00

**DUE DATE:** 07/31/2019

This order is final and rendered on 06/18/2019.

**SIGNED:** /S/ DAWN GRACE-JONES of City of Miami Gardens.

After hearing on the above-referenced Notice of Violation ("Notice") pursuant to Florida Statute § 316.0083, and after a determination that there was substantial competent evidence to support a violation of Florida Statute § 316.074(1) or § 316.075(1)(c)1 in the above-referenced case, the Local Hearing Officer has UPHELD your violation. You are hereby required to pay the total amount due by the due date listed on this Final Administrative Order.

If you fail to pay the full amount in accordance with the terms of this Final Administrative Order by 07/31/2019, or fail to comply with the terms and conditions of an approved payment plan, the Department of Highway Safety and Motor Vehicles will place a hold on the issuance of a license plate or revalidation sticker for any motor vehicle owned or co-owned by you pursuant to Florida Statute § 320.03(8) until the amounts assessed have been fully paid.

You may appeal this Final Administrative Order pursuant to Florida Statute § 162.11.

### **Payment Instructions**

**ONLINE PAYMENT:** The fastest and easiest way to pay the amount due is to pay online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the box at the top. Click the Pay button. There is a convenience / service fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-790-4111 24 hours a day, 7 days a week. There is a convenience / service fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to City of Miami Gardens) with the coupon printed at the bottom. **DO NOT MAIL CASH.** Be sure to put the Notice # on the face of your payment.

**PAYMENT IN PERSON:** You may pay in person by check, money order, or credit card (Visa or MasterCard) at the Miami Gardens Police Department located at 18611 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday thru Thursday 8:30 A.M. TO 4:00 P.M. (closed on Fridays). You may also pay at the City of Miami Gardens City Hall, located at 18605 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday between 7:30am - 6:00 pm.

**CUSTOMER SERVICE:** If you have any questions, please call Customer Service at 1-866-790-4111 between 8:00 AM - 5:00 PM EST.

Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address below.



<b>NAME:</b>	EDWARD SHANE WEST	<b>DU<sup>E</sup>:</b>	07/31/2019
<b>NOTICE #:</b>	0891900391865	<b>ISSUED:</b>	06/18/2019
<b>PLATE:</b>	BRLR52	<b>STATE:</b>	FL

- Make your check or money order payable to the City of Miami Gardens.
- DO NOT MAIL CASH.
- Write the Notice # on the front of your payment.
- Mail this tear-off coupon along with your payment.

**City of Miami Gardens**  
**Payment Processing Center**  
**PO Box 742527**  
**Cincinnati, OH 45274-2527**

**AMOUNT DUE: \$308.00**

5 0891900391865 000022188693 308000

CITY OF MIAMI GARDENS  
 TRAFFIC LIGHT SAFETY PROGRAM  
 PO Box 22091  
 Tempe, AZ 85285-2091



### Violation Evidence Report

Complaint Number:  
 Docket Number:  
 Document Number: 0891900391865

#### Document Information:

Document Type: VIOLATION DATA REPORT

Version: v 1.0

Issue Date: 03/28/2019

Appearance Date: 05/27/2019

Violation Date / Time: 3/15/2019 7:09:25PM

Violation Location: WB NW 183RD ST @ NW 37TH AVE  
 MIAMI GARDENS, FL

Plate No./ State: BRLR52 FL

Make / Model / Year: DODG/ 2010

Registered Owner:  
 Name / Address  
 EDWARD SHANE WEST  
 17701 NW 32 AVE  
 MIAMI GARDENS, FL 33056

Driver:  
 Name / Address  
 EDWARD SHANE WEST  
 17701 NW 32 AVE  
 MIAMI GARDENS, FL 33056

#### Violation Information:

State Exhibit: 

CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091

**Violation Evidence Report**

Complaint Number:

Docket Number:

Document Number: 0891900391865



State Exhibit:



CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091

Violation Evidence Report

Complaint Number:  
Docket Number:  
Document Number: 0891900391865

DATE	TIME	SPEED	PHASE	RTIME	LANE	FRAME
03/15/2019	07:09:25.9	020	R	052.9	1	B

MG19-WB NW 183RD ST 3 NW 37TH AVE



State Exhibit:



CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091



### Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0891900391865



State Exhibit:



CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091



### Violation Evidence Report

Complaint Number:  
Docket Number:  
Document Number: 0891900391865

### NOTES

Note	Added By	Added Date
Hearing Request Made Previously and Payment Made	SYSTEM	07/18/2019 11:00:05 AM
Hearing OR Appeal performed ON: 06/18/2019 BY: DAWN GRACE-JONES WITH disposition OF: UPHELD Defendant Reason: GENERAL DENIAL	LHESTER	06/26/2019 11:22:31 AM
SCHEDULE HEARING/REVIEW REQUESTED - HEARING/REVIEW ALREADY SCHEDULED	PMAILROOM	05/07/2019 01:31:15 PM
Hearing Scheduled ON: 06/18/2019 AT 01:00 PM	SYSTEM	05/02/2019 01:16:11 PM
	LEWING	04/15/2019 12:13:52 PM
ACTION- NON-LIABILITY	CNORRIS	04/05/2019 01:36:17 PM
Insufficient Information Letter is sent on 04/05/2019 01:36:17 PM by CNORRIS	CNORRIS	04/05/2019 01:36:17 PM
PENDING FURTHER ACTION	JMUNZ	04/05/2019 10:23:08 AM

State Exhibit: 

## ATS SYSTEM LOG REPORT

I, Jonathan Crabb, do hereby swear that:

1. I am employed by American Traffic Solutions ("ATS").
2. I am of sound mind, capable of making this certification, over the age of 18, and execute this certification based upon my own personal knowledge of ATS's business and the method by which ATS created, transmitted, and stored the information contained in the **ATS System Log Report**.
3. I, am the duly authorized custodian of the **ATS System Log Report**, and in such capacity, I have authority to certify the **ATS System Log Report** is a true and correct copy of an original record maintained by ATS.
4. The **ATS System Log Report** referenced below is a copy of a business record which was made automatically by the Aaxis Violation Processing System, at or near the time of the self-test of the automatic red light enforcement system.
5. I certify that the testing that was conducted and is contained in the **ATS System Log Report** is a regular practice in the course of ATS's regularly conducted business activities and is kept in the ordinary course of ATS's regularly conducted business activities.

I DECLARE UNDER PENALTY OF PERJURY IN THE STATE OF FLORIDA THAT THE AFOREMENTIONED INFORMATION IS TRUE AND CORRECT.



Jonathan Crabb

### ATS System Log Report

03/15/2019

Location: MG19 - WB NW 183RD ST @ NW 37TH AVE

Date: 03/15/2019

Event Time Status

Automated Self-Test 02:21:43 AM All Tests Passed

**CITY OF MIAMI GARDENS  
TRAFFIC LIGHT SAFETY PROGRAM  
PO Box 22091  
Tempe, AZ 85285-2091**

**GENERAL CORRESPONDENCE**

Document Number: 0891900391865

Date Created: 1/1/0001 12:00:00 AM

RECEIVED OR RETURNED  
BY AGENT

RECEIVED OR RETURNED  
BY AGENT

Your vehicle was observed by a traffic infraction detector failing to comply with a steady red light signal, in violation of Florida Statutes §§ 316.0063; 316.074(1) and 316.075(1)(c), at the intersection, date, and time stated on the front page of this Notice of Violation ("Notice"). This is a non-crime infraction of state law. No points will be assessed and the infraction may not be used to set motor vehicle insurance rates.

This Notice has been issued by the City of Miami Gardens.

You have the following three options:

- a) Pay this violation in the amount of \$158.00 on or before the due date specified on the front of this Notice; or
- b) Submit an affidavit by following the instructions below; or
- c) Request a hearing by signing and mailing the form below. You will be notified by letter of the time, location and date of the hearing. If you request a hearing and the Local Hearing Officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed; if the Local Hearing Officer concludes that an infraction has been committed, the Local Hearing Officer will uphold the infraction, and you will be responsible for payment of a \$158.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the Local Hearing Officer.

**SUBMISSION OF AFFIDAVIT:** You may download an affidavit at [www.ViolationInfo.com](http://www.ViolationInfo.com). As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$158.00 penalty unless, in compliance with Florida Statute § 316.0063(1)(d), you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (b) passed through the intersection at the direction of a law enforcement officer; (c) was, at the time of the violation, in the care, custody, or control of another person; or (d) a Uniform Traffic Citation ("UTC") was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c) as stated in this Notice. The affidavit must be sworn before a notary public or other person authorized to administer oaths. If you assert that the vehicle was in the care, custody, or control of another person, you must provide the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c) as stated in this Notice, then you must include the serial number of the UTC. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.0063 or § 773.063 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$300.00, if submitting an affidavit, it must be postmarked on or before the due date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to City of Miami Gardens, c/o Intersection Safety Program, PO Box 22091, Tempe, AZ 85285-2091.

Do not send payment or affidavit to the Clerk of the Court.

If you fail to respond as outlined above, postmarked by the due date, a UTC will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes §§ 316.0063 and 316.14, which include (a) the right to pay the civil penalty in the amount of \$277.00; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$200.00 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

**VIEW YOUR IMAGES AND VIDEO EVIDENCE FOR THIS INFRACTION:** The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You may view your images and video online at [www.ViolationInfo.com](http://www.ViolationInfo.com). You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your video and images at any public library.

**QUESTIONS:** If you have any questions, please contact Customer Service toll free at 1-866-225-8873.  
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

**PAYMENT INSTRUCTIONS**

**ONLINE PAYMENT:** The fastest and easiest way to pay your \$158.00 penalty is online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a convenience / service fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-225-8873 available 24 hours a day, 7 days a week. There is a convenience / service fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to City of Miami Gardens) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this Notice. PLEASE DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the due date.

**PAYMENT IN PERSON:** You may pay in person by check, money order, cash, or credit card (Visa or MasterCard) at the Miami Gardens Police Department located at 18811 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday 8:30 A.M. TO 4:00 P.M. You may also pay at the City of Miami Gardens City Hall, located at 18605 NW 27th Avenue, Miami Gardens, FL. Payment can be made Monday - Thursday between 7:30am - 6:00pm.

**HEARING REQUEST FORM**

To request a hearing on the above referenced Notice pursuant to Florida Statute § 316.0063, please submit the signed and dated coupon below in the envelope provided. The petitioner understands they will be notified of the date, time and location of the hearing. The Local Hearing Officer shall issue a final administrative order. If the Notice of Violation is upheld, the petitioner will be required to pay \$158.00 and may also be required to pay county or municipal costs, not to exceed \$250.00. NOTE: Per Florida Statute, you may cancel your appearance before the local hearing officer by paying the \$158.00 penalty assessed, plus \$30 in administrative costs, before the start of the hearing. The amount due will be \$208.00.

# **APPENDIX F**



City of Miami Gardens  
Intersection Safety Program  
PO Box 22091  
Tempe, AZ 85285-2091

*Refuse*  
*Do Not Induce*  
*Consenx*  
*fraud*

**CITY OF MIAMI GARDENS**  
**NOTICE OF VIOLATION**

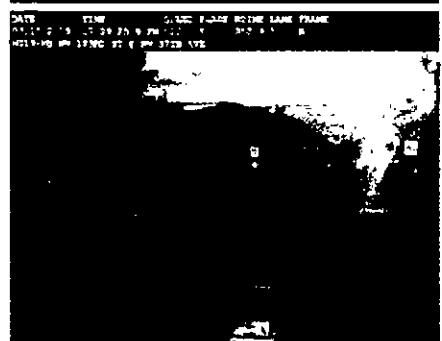
NOTICE #: 0891900391865

PIN: 3713

View your video and pay with your Visa or  
MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com)

Amount Due: \$158.00

Due Date: 05/27/2019



ON/ (Date)	AT TIME	AT LOCATION	COUNTY
03/15/2019	07:09 PM	WB NW 183RD ST @ NW 37TH AVE	MIAMI-DADE
NAME EDWARD SHANE WEST			
STREET ADDRESS 17701 NW 32 AVE			
CITY MIAMI GARDENS		STATE FL	ZIP CODE 33056
DID UNLAWFULLY		<input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK	
VEHICLE	YEAR 2010	MAKE DODG	MODEL
LIC	NUMBER BRLR52	STATE FL	STYLE PK
		REGISTRATION NUMBER 75544776	COLOR SIL
Did then and there commit the following offense: <b>FAILURE TO COMPLY WITH A STEADY RED SIGNAL</b> The recorded images relating to the vehicle stated above are evidence of this violation.			
IN VIOLATION OF: Florida Statutes §§316.0083, 316.074(1) and 316.075(1)(c)1			
POLICE DEPARTMENT ID# 732			
The traffic infraction enforcement officer or law enforcement officer named above has reviewed the recorded images evidencing the red light signal violation, has identified the license tag number of the violating vehicle and has found reasonable and probable grounds that an offense has been committed.		ISSUE DATE 03/28/2019	
STATUTORY PENALTY OF \$158.00			

**IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE GO TO [WWW.VIOLATIONINFO.COM](http://WWW.VIOLATIONINFO.COM)**

Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address below.



NAME: EDWARD SHANE WEST	DUE: 05/27/2019
NOTICE #: 0891900391865	VERSION: 1 ISSUED: 03/28/2019
PLATE: BRLR52	STATE: FL TYPE:

No points will be assessed for this Notice of Violation nor will it affect vehicle insurance rates.

- Si necesita ayuda en Español, favor llame al 1.866.225.8875.
- PLEASE RESPOND WITH PAYMENT, REQUEST A HEARING, OR SUBMIT AN AFFIDAVIT POSTMARKED ON OR BEFORE THE DUE DATE TO AVOID ISSUANCE OF A UNIFORM TRAFFIC CITATION ("UTC"). SEE INSTRUCTIONS ON REVERSE SIDE.
- Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address to the right.
- Make your check or money order payable to City of Miami Gardens.
- DO NOT MAIL CASH.
- Write the Notice # located above on the front of your payment.
- Insert this tear-off coupon in the enclosed envelope with the address to the right showing through the window.

City of Miami Gardens  
Payment Processing Center  
PO Box 742527  
Cincinnati, OH 45274-2527



AMOUNT DUE: \$158.00

1 0891900391865 000022188693 158005

# **APPENDIX G**

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

June 29, 2020

Edward Shane West-El  
17701 NW 32ND AVE  
MIAMI GARDENS, FL 33056

Appeal Number: 20-12125-C  
Case Style: Edward West-El v. The City of Miami Gardens, et al  
District Court Docket No: 1:19-cv-23711-UU

You are receiving this notice because you have not completed the below required filing(s) pursuant to 11th Cir. Rule 26.1-1:

Certificate of Interested Persons and Corporate Disclosure Statement (CIP) pursuant to 11th Cir. R. 26.1-1(a)

Pursuant to 11th Cir. R. 26.1-5(c), failure to comply with these Rules may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Walter Pollard, C  
Phone #: (404) 335-6186

Enclosure(s)

CIP Deficiency Letter

# APPENDIX H

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

June 18, 2020

Edward Shane West-El  
17701 NW 32ND AVE  
MIAMI GARDENS, FL 33056

Appeal Number: 20-12125-C

Case Style: Edward West-El v. The City of Miami Gardens, Flo, et al

District Court Docket No: 1:19-cv-23711-UU

**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).**

The referenced case has been docketed in this court. Please use the appellate docket number noted above when making inquiries. Upon receipt of the district court's order concerning whether this appeal will be allowed to proceed in forma pauperis, we will advise you regarding further requirements.

Upon entry of an order regarding in forma pauperis, the district court clerk is requested to forward a copy of the order and an updated copy of the docket entries.

Every motion, petition, brief, answer, response and reply filed must contain a Certificate of Interested Persons and Corporate Disclosure Statement (CIP). Appellants/Petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after the case or appeal is docketed in this court, regardless of whether appellants/petitioners have filed a CIP. See FRAP 26.1 and 11th Cir. R. 26.1-1.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at the Web-Based CIP link on the court's website. Pro se filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Attorneys who wish to participate in this appeal must be admitted to the bar of this Court, admitted for this particular proceeding pursuant to 11th Cir. R. 46-3, or admitted pro hac vice

**U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT (CIP)**

11th Cir. R. 26.1-1(a) (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

*(please type or print legibly):*

## **FRAP 26.1. Disclosure Statement**

- (a) Nongovernmental Corporations.** Any nongovernmental corporation that is a party to a proceeding in a court of appeals must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation. The same requirement applies to a nongovernmental corporation that seeks to intervene.
- (b) Organizational Victims in Criminal Cases.** In a criminal case, unless the government shows good cause, it must file a statement that identifies any organizational victim of the alleged criminal activity. If the organizational victim is a corporation, the statement must also disclose the information required by Rule 26.1(a) to the extent it can be obtained through due diligence.
- (c) Bankruptcy Cases.** In a bankruptcy case, the debtor, the trustee, or, if neither is a party, the appellant must file a statement that:
  - (1) identifies each debtor not named in the caption; and
  - (2) for each debtor that is a corporation, discloses the information required by Rule 26.1(a).
- (d) Time for Filing; Supplemental Filing.** The Rule 26.1 statement must:
  - (1) be filed with the principal brief or upon filing a motion, response, petition, or answer in the court of appeals, whichever occurs first, unless a local rule requires earlier filing;
  - (2) be included before the table of contents in the principal brief; and
  - (3) be supplemented whenever the information required under Rule 26.1 changes.
- (e) Number of Copies.** If the Rule 26.1 statement is filed before the principal brief, or if a supplemental statement is filed, an original and 3 copies must be filed unless the court requires a different number by local rule or by order in a particular case.

(As added Apr. 25, 1989, eff. Dec. 1, 1989; amended April 30, 1991, eff. Dec. 1, 1991; Apr. 29, 1994, eff. Dec. 1, 1994; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 29, 2002, eff. Dec. 1, 2002; Apr. 25, 2019, eff. Dec. 1, 2019.)

\* \* \* \*

(b) CIPs in Briefs. The CIP contained in the first brief filed must include a complete list of all persons and entities known to that filer to have an interest in the outcome of the particular case or appeal. The CIP contained in the second and all subsequent briefs filed may include only persons and entities omitted from the CIP contained in the first brief filed and in any other brief that has been filed. Filers who believe that the CIP contained in the first brief filed and in any other brief that has been filed is complete must certify to that effect.

(c) CIPs in Motions or Petitions. The CIP contained in each motion or petition filed must include a complete list of all persons and entities known to that filer to have an interest in the outcome of the particular case or appeal. The CIP contained in a response or answer to a motion or petition, or a reply to a response, may include only persons and entities that were omitted from the CIP contained in the motion or petition. Filers who believe that the CIP contained in the motion or petition is complete must certify to that effect.

(d) CIPs in Petitions for En Banc Consideration. In a petition for en banc consideration, the petitioner's CIP must also compile and include a complete list of all persons and entities listed on all CIPs previously filed in the case or appeal prior to the date of filing of the petition for en banc consideration. Eleventh Circuit Rule 26.1-2(b) applies to all en banc briefs.

11th Cir. R. 26.1-3 CIP: Form.

(a) The CIP must list persons (last name first) and entities in alphabetical order, have only one column, and be double-spaced.

(b) A corporate entity must be identified by its full corporate name as registered with a secretary of state's office and, if its stock is publicly listed, its stock ("ticker") symbol must be provided after the corporate name. If no publicly traded company or corporation has an interest in the outcome of the case or appeal, a statement certifying to that effect must be included at the end of the CIP and must be entered into the web-based CIP.

(c) At the top of each page, the court of appeals docket number and short style must be noted (name of first-listed plaintiff or petitioner v. name of first-listed defendant or respondent). Each page of the CIP must be separately sequentially numbered to indicate the total number of pages comprising the CIP (e.g., C-1 of 3, C-2 of 3, C-3 of 3). These pages do not count against any length limitations imposed on the papers filed.

(d) When being included in a document, the CIP must immediately follow the cover page within a brief, and must precede the text in a petition, answer, motion, response, or reply.

11th Cir. R. 26.1-4 CIP: Amendments. Every filer is required to notify the court immediately of any additions, deletions, corrections, or other changes that should be made to its CIP. A filer must do so by filing an amended CIP with the court and by including an amended CIP with all subsequent filings. A filer:

- must prominently indicate on the amended CIP the fact that the CIP has been amended;

11th Cir. R. 26.1-1 Certificate of Interested Persons and Corporate Disclosure Statement (CIP): Filing Requirements.

(a) Paper or E-Filed CIPs.

- (1) Every party and amicus curiae ("filers") must include a certificate of interested persons and corporate disclosure statement ("CIP") within every motion, petition, brief, answer, response, and reply filed.
- (2) In addition, appellants and petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court.
- (3) Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court, regardless of whether appellants and petitioners have filed a CIP. If appellants and petitioners have already filed a CIP, appellees, intervenors, respondents, and all other parties may file a notice either indicating that the CIP is correct and complete, or adding any interested persons or entities omitted from the CIP.

(b) Web-based CIP. On the same day any filer represented by counsel first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). At the website, counsel for filers will log into the web-based CIP where they will enter stock ("ticker") symbol information for publicly traded corporations to be used by the court in electronically checking for recusals. If there is no publicly traded corporation involved, and thus no stock ticker symbol to enter, the filer still must complete the web-based CIP by entering "nothing to declare."

Failure to complete the web-based CIP will delay processing of the motion, case, or appeal, and may result in other sanctions under 11th Cir. R. 26.1-5(c).

The e-filing of a CIP by an attorney registered to use the ECF system does not relieve that attorney of the requirement to complete and keep updated the web-based CIP. Pro se filers (except attorneys appearing in particular cases as pro se parties) are not required or authorized to complete the web-based CIP.

11th Cir. R. 26.1-2 CIP: Contents.

(a) General. A CIP must contain a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

In criminal and criminal-related appeals, the CIP must also disclose the identity of any victims. In bankruptcy appeals, the CIP must also identify each debtor, the members of the creditor's committee, any entity which is an active participant in the proceedings, and other entities whose stock or equity value may be substantially affected by the outcome of the proceedings.

- must clearly identify the person or entity that has been added, deleted, corrected, or otherwise changed; and
- if represented by counsel, must update the web-based CIP to reflect the amendments on the same day the amended CIP is filed.

If an amended CIP that deletes a person or entity is filed, every other party must, within 10 days after the filing of the amended CIP, file a notice indicating whether or not it agrees that the deletion is proper.

11th Cir. R. 26.1-5 Failure to Submit a CIP or Complete the Web-based CIP.

- (a) The court will not act upon any papers requiring a CIP, including emergency filings, until the CIP is filed and the web-based CIP is completed, except to prevent manifest injustice.
- (b) The clerk is not authorized to submit to the court any brief, petition, answer, motion, response, or reply that does not contain the CIP, or any of those papers in a case or appeal where the web-based CIP has not been completed, but may receive and retain the papers pending supplementation of the papers with the required CIP and pending completion of the web-based CIP.
- (c) The failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both.

Cross-Reference: FRAP 5, 5.1, 21, 27, 28, 29, 35

pursuant to 11th Cir. R. 46-4. In addition, all attorneys (except court-appointed counsel) who wish to participate in this appeal must file an Appearance of Counsel form within 14 days. The Application for Admission to the Bar and Appearance of Counsel Form are available at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). The clerk generally may not process filings from an attorney until that attorney files an appearance form. See 11th Cir. R. 46-6(b).

Sincerely,

# APPENDIX

DAVID J. SMITH, Clerk of Court

Reply to: Walter Pollard, C  
Phone #: (404) 335-6186

DKT-5 Awtg DC order on IFP

UNITED STATES DISTRICT COURT  
Southern District of Florida

ANGELA E. NOBLE  
Clerk of Court



Appeal Section  
305-523-5080

Date: June 10, 2020

TO: COUNSEL OF RECORD/APPELLANT

IN RE: District Court No.: 19-23711-CV UU

Style: WEST-EL v THE CITY OF MIAMI GARDENS, FLORIDA et al

**ORDERING AND DESIGNATION OF REPORTER'S TRANSCRIPTS [Pursuant to FRAP 10(b)]**

This will acknowledge the Notice of Appeal filed in the above case which has been transmitted to the Eleventh Circuit Court of Appeals in Atlanta, GA.

**WITHIN FOURTEEN (14) DAYS** from the date of the Notice of Appeal being filed, the appellant must complete the attached *Transcript Information Form (TIF)*, REGARDLESS OF WHETHER TRANSCRIPTS ARE BEING ORDERED OR NOT. The *TIF* must be completed and mailed to the District Court Clerk at 400 N. Miami Avenue, Room 8N09, Miami, FL 33128-7716, ATTN: COURT REPORTER COORDINATOR.

**COMPLETE THE SECTION REQUESTING TRANSCRIPTS ONLY WHEN REQUESTING TRANSCRIPTS OF HEARINGS WHICH TOOK PLACE IN THE DISTRICT COURT.** Arrangements for payment must be made with the court reporter within ten (10) days of the request.

**Counsel appointed pursuant to the Criminal Justice Act must complete a CJA 24, Authorization and Voucher for Payment of Transcript**, attach it to this form and forward them to the **COURT REPORTER COORDINATOR** at the above mentioned address. These forms are available at the Intake Section of the Clerk's Office.

If opposing counsel wishes to file a supplemental designation of a transcript, **you must file a motion to supplement the record with the Court of Appeals in Atlanta**. If granted, a supplemental *TIF* must be prepared and forwarded to the court reporter. The District Court **cannot** file a late designation without an order from the Court of Appeals. The court reporter **cannot** accept any further designations for the purpose of appeal other than the appellant's original unless the Court of Appeals has granted permission.

The **CERTIFICATE OF READINESS OF THE RECORD ON APPEAL** will be transmitted upon the filing of the court reporter's transcript or upon notice that a transcript will NOT be ordered.

If you have any questions, please contact the Court Reporter Coordinator at 305-523-5635.

Sincerely,  
ANGELA E. NOBLE, Clerk of Court

By: s/H. HILL  
Deputy Clerk  
attachment

400 N. Miami Avenue  
Miami, FL 33128  
305-523-5100

299 E. Broward Boulevard  
Room 108  
Ft. Lauderdale, FL 33301  
954-769-5400

701 Clematis Street  
Room 402  
W. Palm Beach, FL 33401  
561-803-3400

301 Simonton Street  
Room 130  
Key West, FL 33040  
305-295-8100

300 South Sixth Street  
Ft. Pierce, FL 34950  
561-595-9691

# ELEVENTH CIRCUIT TRANSCRIPT INFORMATION FORM

## PART I.

### TRANSCRIPT ORDER INFORMATION

*Appellant to complete and file with the District Court Clerk and the Court of Appeals Clerk within 14 days of the filing of the notice of appeal in all cases, including those in which there was no hearing or for which no transcript is ordered.*

Short Case Style: \_\_\_\_\_ vs \_\_\_\_\_  
District Court No.: \_\_\_\_\_ Date Notice of Appeal Filed: \_\_\_\_\_ Court of Appeals No.: \_\_\_\_\_  
(If Available)

CHOOSE ONE:  No hearing  No transcript is required for appeal purposes  All necessary transcript(s) on file  
 I AM ORDERING A TRANSCRIPT OF THE FOLLOWING PROCEEDINGS:

*Check appropriate box(es) and provide all information requested:*

HEARING DATE(S)	JUDGE/MAGISTRATE	COURT REPORTER NAME(S)
<input type="checkbox"/> Pre-Trial Proceedings _____		
<input type="checkbox"/> Trial _____		
<input type="checkbox"/> Sentence _____		
<input type="checkbox"/> Plea _____		
<input type="checkbox"/> Other _____		

#### METHOD OF PAYMENT:

I CERTIFY THAT I HAVE CONTACTED THE COURT REPORTER(S) AND HAVE MADE SATISFACTORY ARRANGEMENTS WITH THE COURT REPORTER(S) FOR PAYING THE COST OF THE TRANSCRIPT.

CRIMINAL JUSTICE ACT. My completed AUTH-24 requesting authorization for government payment of transcripts has been uploaded in eVoucher and is ready for submission to the magistrate judge or district judge [if appointed by the district court] or to the circuit judge [if ordered by or appointed by the circuit court]. [A transcript of the following proceedings will be provided ONLY IF SPECIFICALLY AUTHORIZED in Item 13 on the AUTH-24: Voir Dire; Opening and Closing Statements of Prosecution and Defense; Prosecution Rebuttal; Jury Instructions.]

Ordering Counsel/Party: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone No.: \_\_\_\_\_

*I certify that I have completed and filed PART I with the District Court Clerk and the Court of Appeals Clerk, sent a copy to the appropriate Court Reporter(s) if ordering a transcript, and served all parties.*

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_ Attorney for: \_\_\_\_\_

## PART II. COURT REPORTER ACKNOWLEDGMENT

*Court Reporter to complete and file with the District Court Clerk within 14 days of receipt. The Court Reporter shall send a copy to the Court of Appeals Clerk and to all parties.*

Date Transcript Order received: \_\_\_\_\_

Satisfactory arrangements for paying the cost of the transcript were completed on: \_\_\_\_\_  
 Satisfactory arrangements for paying the cost of the transcript have not been made.

No. of hearing days: \_\_\_\_\_ Estimated no. of transcript pages: \_\_\_\_\_ Estimated filing date: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_ Phone No.: \_\_\_\_\_

NOTE: The transcript is due to be filed within 30 days of the date satisfactory arrangements for paying the cost of the transcript were completed unless the Court Reporter obtains an extension of time to file the transcript.

## PART III. NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN DISTRICT COURT

*Court Reporter to complete and file with the District Court Clerk on date of filing transcript in District Court. The Court Reporter shall send a copy to the Court of Appeals Clerk on the same date.*

This is to certify that the transcript has been completed and filed with the district court on (date): \_\_\_\_\_

Actual No. of Volumes and Hearing Dates: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Court Reporter: \_\_\_\_\_

# **APPENDIX J**

**Motion for Permission to  
Appeal In Forma Pauperis and Affidavit**

v.

Court of Appeals No. 20-12024-D  
District Court No.

**Instructions:** Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

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

Signed:

*1. My issues on appeal are:*

# APPENDIX K

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

July 16, 2020

Edward Shane West-El  
17701 NW 32ND AVE  
MIAMI GARDENS, FL 33056

Appeal Number: 20-12125-C

Case Style: Edward West-El v. The City of Miami Gardens, et al

District Court Docket No: 1:19-cv-23711-UU

We have received a copy of the order of the district court which does not allow this appeal to proceed in forma pauperis. Rule 24(a)(5) of the Federal Rules of Appellate Procedure provides:

A party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice prescribed in Rule 24(a)(4). The motion must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

You may within thirty (30) days from this date either pay to the DISTRICT COURT clerk the docketing and filing fee or you may move in this court for leave to proceed on appeal as a pauper (form enclosed). See 11th Cir. R. 24-2.

Every motion, petition, brief, answer, response and reply filed must contain a Certificate of Interested Persons and Corporate Disclosure Statement (CIP). Appellants/Petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after the case or appeal is docketed in this court, regardless of whether appellants/petitioners have filed a CIP. See FRAP 26.1 and 11th Cir. R. 26.1-1.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at the Web-Based CIP link on the court's website. Pro se filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Walter Pollard, C  
Phone #: (404) 335-6186

Enclosure(s)

DKT-6A IFP denied by DC after docketing

**Motion for Permission to  
Appeal In Forma Pauperis and Affidavit**

United States Court of Appeals for the Eleventh Circuit

v. \_\_\_\_\_ Court of Appeals No. \_\_\_\_\_  
District Court No. \_\_\_\_\_

**Instructions:** Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

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

1. *My issues on appeal are:* \_\_\_\_\_

2. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interests and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as Social Security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as Social Security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

3. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

_____	_____	_____	_____
_____	_____	_____	_____

5. How much cash do you and your spouse have? \$ \_\_\_\_\_

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

6. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value) _____	Other Real Estate (Value) _____	Motor Vehicle #1 (Value) Make & Year: _____ Model: _____ Registration #: _____
_____	_____	_____
_____	_____	_____

Other Assets (Value) _____	Other Assets (Value) _____	Motor Vehicle #2 (Value) Make & Year _____ Model: _____ Registration #: _____
_____	_____	_____
_____	_____	_____

7. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money _____	Amount owed to you _____	Amount owed to your spouse _____
_____	_____	_____
_____	_____	_____

8. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
Are real-estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)	\$ _____	\$ _____
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ _____	\$ _____
Installment payments	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Credit card (name): _____	\$ _____	\$ _____
Department store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____

Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses</b>	<b>\$ _____</b>	<b>\$ _____</b>

10. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes  No      If yes, describe on an attached sheet.

11. *Have you spent – or will you be spending – any money for expenses or attorney fees in connection with this lawsuit?*

Yes  No      If yes, how much: \$ \_\_\_\_\_

12. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

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13. *State the city and state of your legal residence.* \_\_\_\_\_

Your daytime phone number: (\_\_\_\_\_) \_\_\_\_\_

Your age: \_\_\_\_\_ Your years of schooling: \_\_\_\_\_

## **The Law of Void Judgments and Decisions**

### **Supreme Court Decisions on Void Orders**

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). *Prather v Loyd*, 86 Idaho 45, 382 P2d 910.

The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments " 44, 45.

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194.

Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

### **No Opportunity to Be Heard**

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861:

"A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." *People v. Greene*, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1Freeman on Judgments, 120c.) An illegal order is forever void.