

APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12234-G

EDWARD SHANE WEST-EL,

Plaintiff-Appellant,

versus

MIAMI PARKING AUTHORITY,
MIAMI PARKING AUTHORITY EMPLOYEES,
CACOSTA,
L. THAMES,
MIAMI-DADE COUNTY, FLORIDA,

Defendants-Appellees.

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

Before: ROSENBAUM, BRANCH and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Edward West-El appeals from the district court's September 20, 2019 order dismissing his *pro se* 42 U.S.C. § 1983 complaint. Because Mr. West-El's notice of appeal was not filed until June 16, 2020 and he did not file a timely tolling motion or request additional time to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5) or (6), his appeal is untimely, and we lack jurisdiction over it. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), (4)(A), (5), (6), (7)(A)(ii); *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). Furthermore, we decline to construe Mr.

West-El's late notice of appeal as a motion to reopen the appeal period under Federal Rule of Appellate Procedure 4(a)(6) because he has not alleged that he did not receive notice of the district court's order within 21 days of its entry. *See* Fed. R. App. P. 4(a)(6); 28 U.S.C. § 2107(c).

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.

20-12234

A

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

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

July 08, 2020

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

Appeal Number: 20-12234-G
Case Style: Edward West-El v. Miami Parking Authority, et al
District Court Docket No: 1:19-cv-23712-FAM

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.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lee Aaron, G/csg.
Phone #: 404-335-6172

Enclosure(s)

DKT-6A IFP denied by DC after docketing

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

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: _____

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): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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): _____	\$ _____	\$ _____
Total monthly expenses	\$ _____	\$ _____

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.*

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

Your daytime phone number: (_____) _____

Your age: _____ Your years of schooling: _____

Last four digits of your Social Security number: _____

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

B

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

June 24, 2020

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

Appeal Number: 20-12234-G

Case Style: Edward West-El v. Miami Parking Authority, et al

District Court Docket No: 1:19-cv-23712-FAM

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. Information and training materials related to electronic filing, are available at www.ca11.uscourts.gov.

The referenced case has been docketed in this court. Please use the appellate docket number noted above when making inquiries.

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 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. The clerk generally may not process filings from an attorney until that attorney files an appearance form. See 11th Cir. R. 46-6(b).

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: Lee Aaron, G
Phone #: 404-335-6172

DKT-2 Appeal WITH Deficiency

APPENDIX C

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

July 14, 2020

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

Appeal Number: 20-12234-G
Case Style: Edward West-El v. Miami Parking Authority, et al
District Court Docket No: 1:19-cv-23712-FAM

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: Lee Aaron, G
Phone #: 404-335-6172

Enclosure(s)

CIP Deficiency Letter

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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

vs. _____ Appeal No. _____
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):

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): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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): _____	\$ _____	\$ _____
Total monthly expenses	\$ _____	\$ _____

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.

13. State the city and state of your legal residence. _____

Your daytime phone number: (_____) _____

Your age: _____ Your years of schooling: _____

20-12126

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

APPENDIX D

**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

August 17, 2020

Clerk - Southern District of Florida
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810

Appeal Number: 20-12234-G

Case Style: Edward West-El v. Miami Parking Authority, et al

District Court Docket No: 1:19-cv-23712-FAM

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lee Aaron, G
Phone #: 404-335-6172

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 20-12234-G

EDWARD SHANE WEST-EL,

Plaintiff-Appellant,

versus

MIAMI PARKING AUTHORITY,
MIAMI PARKING AUTHORITY EMPLOYEES,
CACOSTA,
L. THAMES,
MIAMI-DADE COUNTY, FLORIDA,

Defendants-Appellees.

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

Before: ROSENBAUM, BRANCH and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Edward West-El appeals from the district court's September 20, 2019 order dismissing his *pro se* 42 U.S.C. § 1983 complaint. Because Mr. West-El's notice of appeal was not filed until June 16, 2020 and he did not file a timely tolling motion or request additional time to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5) or (6), his appeal is untimely, and we lack jurisdiction over it. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), (4)(A), (5), (6), (7)(A)(ii); *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). Furthermore, we decline to construe Mr.

West-El's late notice of appeal as a motion to reopen the appeal period under Federal Rule of Appellate Procedure 4(a)(6) because he has not alleged that he did not receive notice of the district court's order within 21 days of its entry. *See* Fed. R. App. P. 4(a)(6); 28 U.S.C. § 2107(c).

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.

20-12234

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

APPENDIX E

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 19-23712-CIV-MORENO

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

MIAMI PARKING AUTHORITY, MIAMI
PARKING AUTHORITY EMPLOYEES,
CACOSTA, L THAMES, and MIAMI-DADE
COUNTY, FLORIDA,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

THIS CAUSE came before the Court upon Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* on Appeal (D.E. 10), filed on June 16, 2020.

THE COURT has considered the Motion, the "Affidavit of Fact Writ of Discovery" (D.E. 11), the "Affidavit of Financial Statement" (D.E. 12), the "Affidavit of Fact Exhibit – Certificate of Service (D.E. 13), the pertinent portions of the record, and is otherwise fully advised in the premises.

Under the law of the United States, 28 U.S.C. Section 1915, a district court may authorize an appeal of a civil action without the prepayment of fees or costs if the petitioner has filed an affidavit that he or she is unable to pay such costs or give such security. 28 U.S.C. § 1915(a)(1). A party seeking to proceed *in forma pauperis* on appeal must also comply with Federal Rule of Appellate Procedure 24, which provides that the party must file a motion in the district court with an affidavit that "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." Fed. R. App. P. 24(a)(1)(A).

Section 1915 "is designed to ensure that indigent litigants have meaningful access to the federal courts." *Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (citing *Adkins v. E.I. DuPont de*

E

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 19-23712-CIV-MORENO

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

MIAMI PARKING AUTHORITY, MIAMI
PARKING AUTHORITY EMPLOYEES,
CACOSTA, L THAMES, and MIAMI-DADE
COUNTY, FLORIDA,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL**

THIS CAUSE came before the Court upon Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* on Appeal (D.E. 10), filed on June 16, 2020.

THE COURT has considered the Motion, the "Affidavit of Fact Writ of Discovery" (D.E. 11), the "Affidavit of Financial Statement" (D.E. 12), the "Affidavit of Fact Exhibit – Certificate of Service (D.E. 13), the pertinent portions of the record, and is otherwise fully advised in the premises.

Under the law of the United States, 28 U.S.C. Section 1915, a district court may authorize an appeal of a civil action without the prepayment of fees or costs if the petitioner has filed an affidavit that he or she is unable to pay such costs or give such security. 28 U.S.C. § 1915(a)(1). A party seeking to proceed *in forma pauperis* on appeal must also comply with Federal Rule of Appellate Procedure 24, which provides that the party must file a motion in the district court with an affidavit that "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." Fed. R. App. P. 24(a)(1)(A).

Section 1915 "is designed to ensure that indigent litigants have meaningful access to the federal courts." *Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (citing *Adkins v. E.I. DuPont de*

20-12234

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

U.S. District Court - Southern District of Florida

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

Case: 1:19-cv-23712-FAM #16 4 pages Thu Jul 2 10:22:39 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.

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 CMECF do NOT account for and may NOT be accurate when service is by mail. Parties may NOT rely on response times calculated in CMECF, which are only a general guide, and must calculate response deadlines themselves.

See reverse side

APPENDIX F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANGELA E. NOBLE
CLERK OF COURT

APPEALS SECTION
305-523-5080

TO: COUNSEL OF RECORD/APPELLANT

DATE: 6/16/2020



IN RE: District Court No: 19-CV-23712-FAM

Style: EDWARD SHANE WEST-EL v. MIAMI PARKING AUTHORITY, 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** in the attached envelope.

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: A. Perez

Deputy Clerk

attachment

400 North Miami Avenue
Room 8N09
Miami, FL 33128-7716
305-523-5100

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

701 Clematis Street
West Palm Beach, FL 33401
561-803-3400

301 Simonton Street, Rm 130
Key West, FL 33040
305-296-4947

300 South 6th Street
Ft. Pierce, FL 34950
561-595-9691

APPENDIX G

G

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 19-23712-CIV-MORENO

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

MIAMI PARKING AUTHORITY, MIAMI
PARKING AUTHORITY EMPLOYEES,
CACOSTA, L THAMES, and MIAMI-DADE
COUNTY, FLORIDA,

Defendants.

ORDER DISMISSING CASE AND DENYING ALL PENDING MOTIONS AS MOOT

THIS CAUSE came before the Court upon a *sua sponte* examination of the record.

On September 6, 2019, Plaintiff filed a *pro se* Complaint against Defendants Miami Parking Authority, Miami Parking Authority Employees, CACOSTA, L Thames, and Miami-Dade County, Florida. The Complaint—which seeks to invoke this Court’s jurisdiction “under the Zodiac Constitution”—alleges that Plaintiff’s due process and equal protection rights were violated when he was issued, and ordered to pay, various parking citations. (See D.E. 1 at 1, 3.) As a result of these alleged violations, Plaintiff seeks \$75,000 in compensatory damages and \$75,000 in punitive damages from each Defendant. *Id.* at 4.

Under 28 U.S.C. Section 1915(e)(2)(B)(i), a court “shall dismiss [an *in forma pauperis* action] at any time if the court determines that . . . the action . . . is frivolous or malicious.” According to the United States Supreme Court, a complaint is frivolous “where it lacks an arguable basis in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (discussing dismissals under

former Section 1915(d), which contained the same language as current Section 1915(e)(2)(B)(i)).

A court may dismiss claims under Section 1915(e)(2)(B)(i) where the claims rest on an indisputably meritless legal theory or are comprised of factual contentions that are clearly baseless.

Id. at 327.

In *Neitzke*, the Supreme Court provided several examples of frivolous or malicious claims. For instance, where the defendant is clearly immune from suit, or where the plaintiff alleges infringement of a legal interest which obviously does not exist, then the claim is founded on an indisputably meritless legal theory. *Id.* at 327. In addition, claims detailing fantastic or delusional scenarios fit into the factually baseless category. *Id.* at 327–28. Finally, the Court also notes that a *pro se* plaintiff must be given greater leeway in pleading his complaint. *Haines v. Kerner*, 404 U.S. 519 (1972).

The Court has reviewed the entirety of Plaintiff's *in forma pauperis* Complaint with these principles in mind. In short, the Complaint is incomprehensible; it does not state a federal cause of action and it fails to comply with pleading requirements under the Federal Rules of Civil Procedure. Therefore, the Court finds that the Complaint is frivolous under Section 1915(e)(2)(B)(i) because it does not contain "an arguable basis in law or in fact." See *Neitzke*, 490 U.S. at 327. Accordingly, it is

ADJUDGED that this case is DISMISSED, and all pending motions are DENIED AS MOOT. The Clerk is directed to close the case.

DONE AND ORDERED in Chambers at Miami, Florida, this 20th of September 2019.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

APPENDIX H

U.S. District Court - Southern District of Florida

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

Case: 1:19-cv-23712-FAM #2 2 pages Fri Sep 6 12:52:47 2019

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.

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

APPENDIX I

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

Linebarger Goggan Blair & Sampson, LLP

ATTORNEYS AT LAW
P.O. Box 011861
Miami, FL 33141-1861
1(866) 209-1146 Toll Free

Corey A. Hamilton, Partner
Licensed by Florida Bar

SEPTEMBER 12, 2018

46689761

WEST EDWARD SHANE
17701 NW 32ND AVE
MIAMI GARDENS FL 33056-3922

Client Name: Miami-Dade County
Vehicle Tag #: BRLR52
Total Amount Due: \$58.80

IMPORTANT NOTICE: UNPAID PARKING FINES

Dear WEST EDWARD SHANE:

Our law firm has been hired to represent the Clerk of Court for Miami-Dade County, Florida for the collection of delinquent parking citations. You were charged with the following parking violation(s) and court records indicate the fees, fines or costs were not paid in the time allowed.

Citation No.	Date	Amount Due	Description
28733801	02-01-18	\$58.80	RESTRICTED

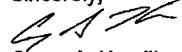
Please read and complete the detachable reply form and return it, along with your payment, within 10 days. The amount assessed is currently \$58.80. To pay by credit card, call 1(866) 209-1146 or log on to <http://www.lgbswebpayments.com> and use Client Code FFMIA01 and Online Payment Number **46689761**. Otherwise, your cashier's check or money order should be made payable to: Clerk of the Court, Miami-Dade County. Write the vehicle tag number on your payment. **Personal checks and partial payments will not be accepted.**

Failure to respond as requested may result in the denial of your vehicle registration renewal or the issuance of an order to impound or immobilize your vehicle if you have 3 or more outstanding parking citations.

You may disregard this notice if you have made payment within the last 10 days, if you are now a debtor in bankruptcy, or if you have been discharged from debts through a bankruptcy proceeding, then within 30 days of receipt of this letter, please provide us at the address at the top of this letter, in writing, the case number and the name of the court in which your bankruptcy case was filed.

It is very important that you give this matter your immediate attention. Our toll-free telephone number is 1(866) 209-1146. Our office hours are Monday through Thursday 7:00 a.m. to 9:00 p.m., Friday 8:00 a.m. to 5:00 p.m., and Saturday 8:00 a.m. to noon.

Sincerely,


Corey A. Hamilton
Attorney at Law

PLEASE COMPLETE AND DETACH THE REPLY FORM BELOW AND RETURN IN THE ENVELOPE PROVIDED

Linebarger Goggan Blair & Sampson, LLP
PO Box 659443
San Antonio, Texas 78265



Vehicle Tag #: BRLR52
Amount Due: \$58.80 as of SEPTEMBER 12, 2018
Payment should be in the form of a cashier's check or money order made payable to: CLERK OF THE COURT, MIAMI-DADE COUNTY.

Write the vehicle tag number on your payment.

Partial payments will not be accepted.

Personal checks will not be accepted.

When you provide a check as payment, you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check.

WEST EDWARD SHANE
17701 NW 32ND AVE
MIAMI GARDENS FL 33056-3922



LGBS, LLP
CLIENT #: FFMIA01
PO BOX 702118
SAN ANTONIO TX 78270

METROPOLITAN MIAMI-DADE COUNTY
UNIFORM PARKING COMPLAINT AND CITATION
CITATION

State of Florida in the County Court In and for MIAMI-DADE COUNTY, FLORIDA
The officer listed below certifies that the vehicle described was unlawfully parked/stopped/standing
at the listed location in violation of the Metropolitan Miami-Dade County Code.



CITATION NUMBER: 28733801

DATE 02/01/2018 TIME 11:06 AM
OFFICER ID 001-9006 OFFICER NAME L THAMES

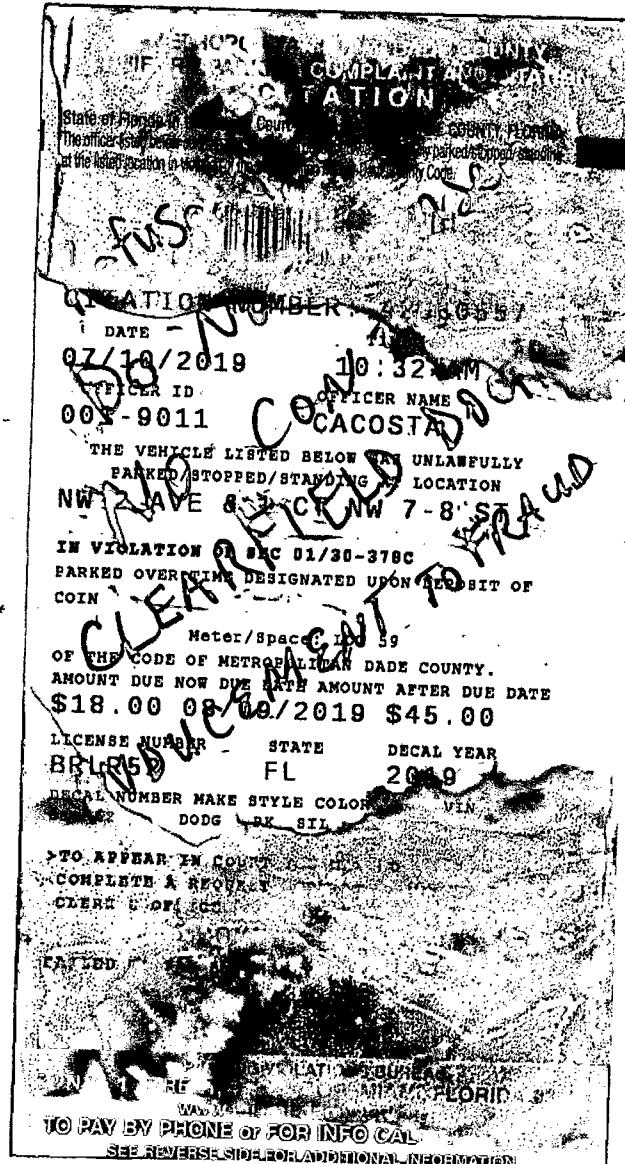
THE VEHICLE LISTED BELOW WAS UNLAWFULLY
PARKED/STOPPED/STANDING AT LOCATION
LOT59 NW 8TH ST
IN VIOLATION OF SEC 02/30-388.25
PARKED IN RESTRICTED PARKING ZONE

OF THE CODE OF METROPOLITAN DADE COUNTY.
AMOUNT DUE NOW DUE DATE AMOUNT AFTER DUE DATE
\$23.00 03/03/2018 \$42.00

LICENSE NUMBER STATE DECAL YEAR
BRLR52 FL 2018
DECAL NUMBER MAKE STYLE COLOR VIN
BRLR52 DODG PK SIL

>TO APPEAR IN COURT YOU MAY NOW ALSO
COMPLETE A REQUEST FORM AT ANY OF THE
CLERK'S OFFICES LISTED ON REVERSE SIDE.

COMMENTS
POSTED-HEAD IN PARKING ONLY



APPENDIX K

7/10/19. Parking ticket.



Official Receipt

Please keep this receipt for your records

Miami-Dade County Clerk's Office
Office: North Dade District Court - ND
Ph:

Miami FL
Date: 7/18/2019 3:34 PM Cashier: niccody
Batch# 376973 PC# ND01FC06 Trans# 28

Receipt# 2320038 - Parking Citation

Cit# 42860557 Disp: 1
Name: WEST, EDWARD SHANE

2400 Payable \$18.00

Transaction Total: \$18.00

Cash Tendered: \$20.00
Change Tendered: (\$2.00)

Thank you for your payment.
Have a nice day!

✓
- Worthless payments are
subject to \$ 68.065 F.S. charges

Date: 7/18/2019 Time: 3:21:47 PM

PVSM020

07/18/2019 MIAMI-DADE COUNTY - PARKING VIOLATION SYSTEM
15:21:47 ----- CITATION DETAILS ----- LINK:
TAG : BRLR52 FL OPEN: 2 ID: WEST, EDWARD SHANE
SERV FEE: TAG DISP: 17701 NW 32 AVE
TOT BAL : 76.80 TAG STATUS: MIAMI GARDENS FL 33056-3922

CIT# : 28733801 VIO: 2 RESTRICTED OR IMPROPER PARKING
ROLL: ISSUED ON : 02/01/2018 11:06 AM
STAT: 30-388.25 ENTERED ON : 02/07/2018
--ASSD- --PAID- CLOSED ON :
FINE : 28.00 DISPOS CODE/DATE:
COST : 14.00 NOTICE CODE/DATE: 3 03/12/2018
SCHG : OPER/RECEIPT:
C FEE: 16.80 CRT/MOT DISP/DATE:
MISC : STAY/DISP DUE DATE:
TOTL : 58.80 COURT DATE/TIME/LOC:
BAL : 58.80
LOCATION: LOT59 NW 8TH ST
VIN:
PUBLIC: POSTED-HEAD IN PARKING ONLY
PRIVATE:
CITATION: <PF5=TAG PF4=CODES PF10=CFS PF12=EXIT CLEAR=MENU>
* WARNING! CITATION HAS BEEN REFERRED TO A COLLECTION AGENCY
** TYPE CITATION NUMBER AND PRESS ENTER **

COLLECTION AGENCY INFORMATION
ACTION: M 05/06/2019 AGENCY: H
PH: (866) 234-9790
LINEBARGER LAW FIRM

Date: 7/18/2019 Time: 3:35:03 PM

PVSM010

07/18/2019 MIAMI-DADE PARKING SYSTEM - TAG SUMMARY
15:29:57 PAGE: 1 LINK:
TAG: BRLR52 FL SERV FEE: PVB BAL:
OPEN: 1 ID: WEST, EDWARD SHANE COLL BAL: 58.80 H
FND: 17701 NW 32 AVE TOTAL BAL: 58.80
FOO: MIAMI GARDENS FL 33056-3922
TOW DISP: NO ACTION TAG STATUS: RENEW: Y
===== COURT
X CITATION ISSUED MUN VIO NOT DIS DISP DATE ASSD PAID DUE DISP
28733801 02/01/2018 1 A 2 3 58.80 58.80
42860557 07/10/2019 1 A 1 0 1 07/18/2019 18.00 18.00

=====
TAG: ST:
PF2=CRT/BND PF3=MSG PF4=CODES PF5=CIT PF6=NOT PF7=BK PF8=FR PF10=CFS PF11=TAG
* WARNING! CITATIONS IN RED HAVE BEEN REFERRED TO A COLLECTION AGENCY
PLEASE MAKE YOUR NEXT CHOICE

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.