No. 21-1062

In The

Supreme Court of the United States

KEITH ROBERT CALDWELL SR.,

Petitioner,

v.

DEPARTMENT OF TRANSPORTATION, ET AL.,

Respondents.

On Petition For Writ Of Certiorari To The United States Eleventh Circuit Court Of Appeals

PETITION FOR WRIT OF CERTIORARI

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Rule 14.1(a)) SCOTUS QUESTIONS FOR REVIEW:

1 *Did the 11th Circuit Court of Appeals circumvent the appeals process by ignoring significant evidence which demonstrated that the district court trial judge (TJ) obliterated Keith Caldwell's (henceforth referred to as (Caldwell), right to due process of the law,*[1] *by poisoning the trial process?* The TJ's obstruction of justice, and numerous violations of the Federal Rules of Civil Procedure (F.R.C.P.), were the hallmark of the appeal filed by *(Caldwell).* The decision letter filed by the 11th Circuit Court of Appeals did not address the evidence relative to the TJ's criminal violation of the trial process; (F.RA.P.) rules; and the ensuing judgment which harmed (Caldwell's lawsuit).

2 Was the rule of law held hostage to the whims of a rogue officer of the court, the TJ *illegally dismiss the Michigan-based defendants*, in the *(Caldwell)* lawsuit, the TJ's critical and unwarranted action set the stage for dismissal of all the defendants in (Caldwell's) lawsuit?

3 Was the unconstitutional decision to dismiss the Michigan-based defendants the end result of *'fruit of the poisonous tree'*?[2] The defendants' dismissal motion was flawed and it excluded critical information that the TJ needed to know in advance, before filing the court's first Order to Dismiss in Jul

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[1] The 14th Amendment to the Constitution of the United States.

[2] "Fruit of the poison tree."

Rule 14.1(a)) SCOTUS QUESTIONS FOR REVIEW:
– Continued

'19 and again in the second Order to dismiss in Oct '19. The TJ's Order to dismiss violated (Caldwell's) right to due process under the 5th Amendment/ 14th Amendment – *The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." This miscarriage of justice was the hallmark of the trial judge decision to dismiss the Michigan defendants from the lawsuit. The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause to describe a legal obligation of all states.* The TJ corrupted the trial process by premature dismissal of the Michigan defendants. The dismissal motion contained perjured content. The defendants had impeded the summons process. The TJ was informed through the petitioner's filings to the court. Still the defendants were dismissed even though they had impeded the summons process.

4 Is perjury, judicial misconduct, violations of the F.R.C.P. & F.R.A.P. acceptable defense strategies to dismiss a legally filed lawsuit, if so, the Rules of the Court (district court & appellate court) require massive revision.

5 Does the approved legislative action, the Safety Act, actually provide the public the right to file a lawsuit based on a Safety Act grievance, or is the 11th circuit court revision (not approved by the Congress nor the public, in play now?)

(Rule 14.1(b))
CERTIFICATE OF INTERESTED PERSONS
CORPORATE DISCLOSURE STATEMENT

LIST OF PARTIES:

1. Blank, Robert L., Esq., RUMBERGER, KIRK & CALDWELL, Tampa, Florida;
2. Caldwell, Keith Robert Sr., appellant-petitioner-pro se;
3. Corinis, Jennifer Waugh, Assistant United States Attorney;
4. Dodge Chrysler Group, appellee-respondent;
5. Fiat Chrysler Automobiles ("FCA") US LLC (ticker symbols: FCAU and FCA, appellee-respondent;
6. Flynn, Sean, United States Magistrate Judge;
7. Lopez, Maria Chapa, United States Attorney;
8. Marchionne, Sergio, appellee-respondent;
9. Rhodes, David P., Assistant United States Attorney;
10. Scriven, Mary S., United States District Court Judge;
11. Siekkinen, Sean, Assistant United States Attorney;
12. Sweeney, Sara C., Assistant United States Attorney
13. United States Department of Transportation appellee-respondent;

(Rule 14.1(b))
CERTIFICATE OF INTERESTED PERSONS
CORPORATE DISCLOSURE STATEMENT
– Continued

14. United States Attorney's Office, appellee-respondent;

15. Whitehead, Sara Esq., RUMBERGER, KIRK & CALDWELL, Tampa, Florida; and

16. Wise, Mamie V., Assistant United States Attorney.

Corporate Disclosure Statement: (Rule 29.6)

In addition to the persons and entities identified in the certificate of interested persons and corporate disclosure statement in Keith Robert Caldwell Sr., principal brief, the following persons and entities have an interest in the outcome of this case:

1. *11th Circuit Court of Appeals, Atlanta, Georgia. The 11th Circuit Court would be in a bizarre position potentially facing questions as to the reason the court bartered public lives to the automobile manufacturers profits, while the automobile industry continues to flood the United States highways and roads with unsafe vehicles. The 11th Circuit Court's reversal in (Ayres, 2000), is an incompetent assessment of the legislative branch's Safety Act Their incompetence led to the automobile industry's unwarranted carrot and the industries boost in profits. (Caldwell's) belief is that the 11th Circuit Court's decision in (Ayres, 2000) was*

Corporate Disclosure Statement: (Rule 29.6)
– Continued

the basis for denial of (Caldwell's) appeal (i.e., incompetent judicial legislation), NOT on case merit, or the contents of the appeal package;

2. Ayres the petitioner), in (Ayres, 2000) 11th Circuit Court of Appeals case: (Ayres, 2000) appellee;

3. Fiat Chrysler Automobiles ("FCA") US LLC (ticker symbols: FCAU and FCA, appellee-respondent;

4. Florida Law Firm, RUMBERGER, KIRK & CALDWELL, Tampa, Florida;

5. Supreme Court of the United States, Washington, District of Columbia; and,

6. 11th Circuit Court of Appeals in the denial of (Ayres, 2000) & (Caldwell, 2018)

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PREFACE: PETITION FOR WRIT OF CERTIORARI FOR THE SUPREME COURT OF THE UNITED STATES

This petition for writ of certiorari must be deem as precedent. It was the lower courts acts of incompetence, and corruption that led to the filing of this petition. In an exhaustive search, there was no evidence on the Internet and law libraries that prior case law, had concluded that public citizens are to be treated similar in comparison to "automobile equipment and automobile safety equipment." The price of human suffering causes tragedies. The cost of replacing automobile equipment has lesser value of the two. This analogy is in reference to two 11th Circuit Court of Appeals cases: (Ayres vs. General Motors LLC, et al., 2000) and (Caldwell vs. Dodge Chrysler Group, LLC, et al., 2018). The common issue in both lawsuits is whether or not the 11th Circuit Court of Appeals had sufficient constitutional reference when the 11th Circuit deemed that the Congress had determined in the Safety Act legislation, that the public has "no right to private action in instances in which two automobile manufactures (General Motors and Dodge Chrysler Group) were sued. Both lawsuits reference the Safety Act legislation.

I respect our laws. This petition does not assert that the law nor the officers of the court are collectively, incompetent or corrupt. It was the ***trial judge and two appeals court panels that corrupted both lawsuits***. The district court trial judge and the appeals panels over-stepped their constitutional authority to assert that the Safety Act, congressional legislation,

includes the court's right to re-write or re-define the Safety Act. Constitutional authority to define the language of legislation rests with the legislatures' (the ultimate voice of the people). Bottom line: the courts do not have the authority to re-define the Safety Act (specifically to reflect a consequence in which litigants (the general public) are denied the ability to file a lawsuit when harmed, injured, sustained losses and damages). After research, there is no indication that the courts have accurately inferred "congressional intent of the Safety Act. The courts lacked the appropriate skills and experience to establish or re-write the Safety, but they did in the case of (Ayres, 2000) and then again, in (Caldwell, 2018).

The discussion of incompetence and corruption are applied to the court officers relevant to this petition, not the general constitutional authorizations of the 11th Circuit Court of Appeals. Both lawsuits on appeal should have been inserted into the judicial review process. The public has no idea of the court's revision of the Safety Act; that's absolutely pathetic. This matter is a poster for a class action lawsuit.

(Rule 14.1(e)) CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS ENTERED IN THIS CASE BY COURTS OR ADMINISTRATION AGENCIES

The only official and unofficial reports of the opinions and Orders entered in this case by courts or administrative agencies, are the decision letters and the findings in 11th Circuit Court of Appeals case (Ayres, 2000). See APPENDIX (A).

(Caldwell, 2018) represents the second time that the 11th Circuit Court of Appeals have weigh in on its opinion and decision in (Ayres, 2000).

There is no other evidence that another Circuit Court of Appeals has concluded that the public has no private right to action. In (Caldwell's) research the finding is that no circuit court has upheld the findings of the 11th Circuit Court. Based on (Caldwell's) research (Caldwell's) challenge to (Ayres, 2000) represents the first challenge to the 11th Circuit Court's decision in that case.

The executive branch offices that the 11th Circuit Court claimed as key federal agencies in the (Ayres, 2000) decision letter, are not federal resources to act as agents of individual right to action. The agencies, do not perform the work as described in the decision letter. The (U.S. Attorney's Office & the U.S. Department of Transportation), have not process one single case in regards to this issue. Neither Agency has appointed an office or individual to address this matter.

In other words, the court in (Ayres, 2000) had no constitutional basis for assigning work to an executive branch agency (AG/Sec. DOT). Therefore no one in the federal government provided oversight on the matter of filing an individual lawsuit against the automobile manufacturers in the event violations of the Safety Act occur, and an individual chooses to exercise his right to file a lawsuit. The 11th Circuit ruling in (Ayres, 2000 & Caldwell, 2018) were catastrophically flawed and without constitutional basis.

Summary: the courts stepped outside of their lane to establish a revision to the Safety Act, which was previously signed into law by Congress and the President. As of this filing, the Congress has not inserted into law, the 11th Circuit Court's revision of the Safety Act in (Ayres 2000). Perhaps no congressional action on this matter, sends a clear message to the court that congress may or may not concur with the courts restructuring of the Safety Act. In 20 years since the court's revision of the Safety Act law, there has been no movement to assert the courts change to the legislation. Congress has not certified the change. The public is unaware of the court's action. The (Caldwell, 2018) lawsuit was sufficiently based on the Safety Act. The district court assigned a corrupt trial judge to derail the lawsuit. The court of appeals dismissed the lawsuit because of a pre-arranged in-house "memorandum" which stipulates that the 11th Circuit Court will not overturn the decision of a prior panel. How is the courts edict legal? What is the impact of the appeals court adjudication of appeals in a fair and just

manner? The (Caldwell, 2018) appeal was not lawfully adjudicated. The decision letter took all of 10-minutes to construct. The appeals court extorted monies from (Caldwell) in the form of a filing fee and then sand bag the legal review process.

The appeals court action was the work of a confused mindset. It is the petitioner's belief that the United States Gov't owes (Caldwell) monies for costs, and associate damages of all persons involved in the three-vehicle accident that occurred on October 16, 2016, at Largo, Florida.

(Rule 14.1(e)) BASIS FOR JURISDICTION

This is a pro se petition for a Writ of Certiorari submitted to the Supreme Court of the United States, by *(petitioner-Caldwell).* Caldwell's lawsuit was appealed to the 11th Circuit Court of Appeals. On appeal the nth Circuit Court was denied by a panel of judges from that court. Caldwell had filed a lawsuit *Caldwell vs. Dodge Chrysler Group, et al.*, Case No. 8:18-cv-2525-T-35SPF (2018), at the United States District Court for the Middle District of Florida (Tampa). Caldwell's lawsuit was dismissed by the trial judge at the district court.

Rule 13 of the Court's rules is the statutory provision under which the petitioner has filed at the court a Petition for a Writ of Certiorari. The jurisdictional and final right of action is the Supreme Court of the United States.

Caldwell therefore, submits his petition for Writ of Certiorari to the highest court in the United States.

(Rule 14.1(f)) CONSTITUTIONAL PROVISIONS

1. The 5th & 14th Amendments of the Constitution of the United States: *The Constitution states only one command twice.*[3] *The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures.*

2. Judicial Corruption https://www.uscourts.gov/judges-judgeships/judicial-conduct-disability

Under the Judicial Conduct and Disability Act and the Rules for Judicial-Conduct and Judicial-Disability Proceedings.[4] *The Judicial Conduct and Disability Act of 1980 28 U.S.C. §§ 351-364 anyone can*

[3] [LOGO] Cornell Law School (Strauss, 1992) Introduction: Due Process https://www.law.cornell.edu/wex/due_process.

[4] The judicial conduct and disability review process cannot be used to challenge the correctness of a judge's decision in a case. A judicial decision that is unfavorable to a litigant does not alone establish misconduct or a disability. An attorney can explain any rights you have as a litigant to seek review of a judicial decision. https://www.uscourts.gov/judges-judgeships/judicial-conduct-disability.

file a complaint alleging a federal judge has committed misconduct. . . .

3. Official Corruptions in May 2021[5]

Official Corruption Prosecutions for May 2021

Number Latest Month	21
Number Previous Month	34
Percent Change from 1 year ago	43.8
Percent Change from 5 years ago	-32.1

Table 1. Criminal Official Corruption Prosecutions

The latest available data from the Justice Department show that during May 2021 the government reported 21 new official corruption prosecutions. According to the case-by-case information analyzed by the Transactional Records Access Clearinghouse (TRAC), this number is down from 34 the previous month.

Given the criticism of judicial elections as a poor method to select qualified judges, we might expect elected judges to fare worse in this study than unelected judges. According to this sample, a similar proportion of elected judges were caught acting corruptly as unelected judges, but elected judges were caught

[5] TRAC Reports Official Corruptions Prosecutions for May 2021 https://trac.syr.edu/tracreports/bulletins/corruption/monthlymay21/fil/.

[LOGO]

accepting a larger number of bribes relative to the number of cases that they handle.[6]

Finally, it is worth noting that three investigations were responsible for prosecuting twenty-one of the thirty-eight judges in the sample. In all three cases of large-scale corruption studied here, the supervising judge was corrupt and, in at least two of the cases, he appeared to gain the most from the corruption scheme. (TRAC Reports Official Corruptions Prosecutions for May 2021)[7]

(Rule 14.1(g)) STATEMENT OF THE CASE

Keith Robert Caldwell, Sr., (Caldwell sued the United States Department of Transportation, the Attorney General, and the United States Attorney's Office ("the federal Defendants,") and Sergio Marchionne, Dodge Chrysler Group and Dodge Chrysler Group, the parent organization ("the Michigan-base defendants"). The lawsuit is related to 3-vehicles car accident which occurred in the State of Florida, on October 2016. The 2013 Dodge Durango (Durango), was cited

[6] 52 *See supra* Section II.C.53. This assumes that elected judges handle a similar proportion of cases as appointed judges. *54. See supra* Section II.C.2 53 54.

[7] TRAC Reports Official Corruptions Prosecutions for May.

as the vehicle that caused the accident. The Durango is owned by (Caldwell).

During the process of Service of the Summons, both groups of defendants (the federal defendants and the Michigan-based defendants) had impeded in the process of service of the summons. The federal defendants perjured the summons process by filing a motion to dismiss which alleged that the United States Department of Transportation was not served summon for reasons attributed to (Caldwell). Concurrently the motion to dismiss alleged that (Caldwell) had fail to serve summons to the United States Attorney's office. The defendant's allegations were meritless and their motion to dismiss was outrageously flawed. Caldwell filed a motion to clarify that the defendant's motion to dismiss contained erroneous information. The trial judge (TJ) was sufficiently updated on the service of summons process to the federal defendants. The federal defendants' representative decision to file a notice of appearance five months after the case trial commenced was the reason that the federal defendants were entered into the trial five months late.

The Michigan-based defendants, similarly, entered the trial three months late and they too filed a motion to dismiss due to improper service of the summons. In this instance the defendants had aggressively impeded the service of summons process. The defendants' motion did not inform the (TJ) that they had impeded the service of summons process. The dismissal motion contained multiple erroneous allegations. The (TJ) was informed of the erroneous information in

multiple motions filed by (Caldwell). Despite violating the "fruit of the poison tree" principal, the TJ dismissed the Michigan-based defendants from the lawsuit.

Despite multiple filings, inaccuracy, and flaws in both sets of defendants' motion to dismiss, the TJ dismissed the Michigan-based defendants in the first Order to dismiss in July 2019, and subsequently dismiss the federal defendants in the second Order to dismiss in October 2019, which ultimately ended the Caldwell lawsuit.

On appeal, Caldwell introduced a plethora of allegations describing the corruption that was exhibited by the (TJ). The 11th Circuit Court of Appeals did not address: the (TJ's) criminal behavior; the (TJ's); failure to adhere to the rules of the court; the (TJ's) obstruction of justice and obstruction of the trial process; the (TJ's) decision to accept the Michigan-based defendants' notice of appearance three months after the trial commence; the (TJ's) decision to accept both groups of defendants perjured and false accusations in their motions to dismiss, while ignoring all of the counter-motions filed by (Caldwell) throughout the trial, over the period of November 2018 to October 2019. The (TJ) failure to maintain control of the adjudication process was a disgrace to the law, the Federal Rules of Civil Procedure, and the rules of the district court. The 11th Circuit Court, cited two justifications for denial of the appeal: *the court's in-house commitment to each of the panels of the court, that their decisions would not be changed* and when ordered by the Supreme Court of the United States.

(Caldwell's) appeal was dead on arrival at the 11th Circuit Court as soon as (Caldwell's) case filing fee check, cleared Wells Fargo bank. (Caldwell's) challenge to the (Ayres, 2000) case which was decided on appeal by the 11th Circuit. The panel's incompetence in understanding the legislative process and the trial judge criminal conduct, were the centerpiece of (Caldwell's) appeal. The 11th Circuit Court was not going to reverse the lower court's decision in (Caldwell, 2018), doing so would mean taking a win away from the (Ayres, 2000) case.

In (Caldwell, 2018) the 11th Circuit Court sustained its ruling in (Ayres, 2000), and simultaneously ordered that the public does not have *"private right to action; file a lawsuit" against an automobile manufacturer, when the public is involved in a vehicle accident, that involves dysfunctional or inoperable automobile safety equipment; even if the vehicle accident produce fatalities.* The 11th Circuit Court's reasoning in "inferring congressional intent of the Safety Act", that was authorized by elected members of Congress (the actual voice of the public and the legitimate agent of change in the Constitution of the United States), voted the Act into legislative law. Despite the fact that no members of the judicial branch were participants or voted to establish the Safety Act's revision. FACT: *The 11th Circuit Court revised the Safety Act the appeals panel created a new law, the judicial branch had turned the legislative branch Safety- Act, into a punitive action to wreak havoc on the entire nation.* There was no participation by any of the 535 *(elected)* members of

Congress, to vote on the new Safety Act revision, which was created by the judicial branch, not by the legislative branch, of the U.S. government.

(Rule 14.1(g.1)) STATEMENT OF THE CASE – JUDICIAL MALFEASANCE (the District Court & the Court of Appeals)

For starters, the District Court & the Court of Appeals both corrupted (Caldwell's) case. Multiple motions filed at the district court supports numerous instances in which Judge Scriven had corrupted the trial process. The motions were on point, damaging, contained critical assessments of the trial judge conduct, contained acts of favoritism to the federal defendants and the Michigan-based defendants; and, finally:

> [8] *"The defendants' motion to dismiss contained perjured content and miss-information to side-track the trial judge. Despite informing the trial judge that the defendants' motion to dismiss met the description of "the fruit of the poisonous tree," the trial judge used the power of her office to dismiss the defendants, and the lawsuit. The trial judge's actions are the epitome of judicial misconduct and corruption. Judge Scriven's scams violated every rule in the book The judge was a partial participant in the trial while breaking every protocol in the*

[8] In the Petitioner's own words, describing the criminal actions used by the trial judge who used the power of her office to sabotage the trial in the (Caldwell, 2018) lawsuit case.

rule book. The trial judge circumvented judicial doctrine, to poison and sabotage (Caldwell's) lawsuit."

Judge Scriven did not respond to (Caldwell's) case filings; Mary S. Scriven *made no attempt to mask the fact that she purposively sabotaged the trial*. The account of the trial judge's partiality was noted in the Appellant's brief, and the Appellant's reply brief. Despite the fact that the Appellees' failed to address Scriven's horrendous conduct, partiality, abuse of her office, manipulated dismissal of the case despite being informed of the fruit of the poison tree dilemma, and consistent judicial misconduct, the 11th Circuit Court failed to review her trial performance on appeal.

The 11th Circuit Court of Appeals, despite a plethora of credible instances of judicial misconduct, failed to address the trial judge's criminality, in the decision letter or the panel's presentation of the case facts, on appeal. The court was asked to adjudicate the entire appeal (all parties), Instead, the panel changed the case name description that was described in the original complaint, and the appeal filed at the 11th Circuit Court, to the case name description that was noted in the 11th Circuit Court decision letter and the motion for rehearing, FROM: *(the district court) (Keith R. Caldwell vs. Dodge Chrysler Group, LLC, et al.)* TO: *(the 11th Circuit Court) (Keith R. Caldwell vs. U.S. Department of Transportation, et al.).* The 11th Circuit Court eliminated the Michigan defendants' as though the defendants did not have stake in the appeal process. The court's action may pass muster in terms of

how the 11th Circuit Court typically names the parties in the appeal. However, by omitting the Michigan defendants from the appeal case name description and the appeal process, the court ultimately stipulates that the Michigan defendants were not part of the appeal process. By default, the court admits that it agreed with the district court's decision to dismiss the Michigan defendants despite a mountain of evidence that was provided to the appeals panel for review.

In the Appendix, there is a newsletter that was publish by the organization whom sponsored the Attorney's that represented General Motors Corporation (G.M.) in the (Ayres, 2000) 11th Circuit Court case. The attorney's that duped the 11th Circuit Court in to changing the Safety Act, essentially mocked the court's decision while acknowledging that the court had in fact changed the Safety Act. The automobile manufacturers profited from the courts 'dubious and unwarranted' change. The purpose of the Safety Act is to endorse an environment in which automobile manufacturers, Sec. DOT, the AG, US, and the public, to remain focus on overall safety in the nation. G.M. is a highly regarded automobile manufacturer in the United States. They have organizational resources which 10's of millions of the public do not have access or monies to corrupt the federal court system. In the newsletter, the GM. hired attorney's, acknowledged that the appeal they argued on behalf of G.M., had indeed changed the Safety Act, from its original context; thus creating new law, which was not instituted by the sanctioned legislative process. In other words, the 11th Circuit Court had

established a critical change to the Safety Act. Even though there were no experts from the legislative branch to advise the court, on the process to legitimize the court's legislative action. The public was collectively harmed by the court's incompetence and their failure to render legitimacy to the revised Safety Act.

How did a well-funded G.M. attorney waltz in to the 11th Circuit Court to argue a critical revision to the Safety Act legislation, which was voted on, by 535 elected members of the House, Representatives? A revision that provides all automobile manufacturers' a get-out-of-jail-free card. The issue in question stipulated that ***the Congress (the voice of the public), had actually intended that the public does not have the right to private action in the Safety Act***." The 11th Circuit ruling is a *'direct slap in the face to the public'* the decision betrays the public trust in the judicial branch of our government. The 11th Circuit panel injected an incompetent decision that changed the entire Safety Act, legislation.

In researching this issue, there is no evidence that the 11th Circuit bothered to submit the (Ayres, 2000) decision through a judicial review process. When judicial decisions create a critical change in how the Congress and the executive branch functions, and to provide proper context of the change to the nation's laws that are produced by congress, ***those cases must pass through the judicia review process***. The 11th Circuit obliterated the public's right to file a lawsuit against any automobile manufacturers. The court actually confirmed its ignorance of operational processes

relative to the Legislative Branch of the United States Gov't. It IS NOT the function of the legislative branch to write legislation that harms the public. This oversight was sufficiently introduced in (Caldwell, 2018). In (Caldwell, 2018) the 11th Circuit Court ratchet up the incompetence of the panel's decision, by denying the appeal. The (Caldwell, 2018) lawsuit was based on live HUMANS (3-adults and 2-children in a 3-vehicle accident in which the vehicle brakes failed to stop at an intersection), the tragedy of destruction of two vehicles, new vehicle demands, hospitalizations, medical costs, 3-years of triple the rate of automobile insurance, State restrictions, County costs, financial restitution, etc. The fact that the federal courts basically turned their back on (Caldwell, 2018) while citing the court's mindless corruption of the Safety Act, in (Ayres, 2000), is pathetic. The court make decisions on whom is eligible for the death penalty. Yet, the court lack the credentials to properly interpret legislative branch laws like the Safety Act, whose focus is public safety.

Credibility: the credibility of the district court and the 11th Circuit Court was corrupted in (Caldwell, 2018). The district court assigned a trial judge whom was unable to realize her own incompetence and deficiencies in the law. The TJ had corrupted all aspects of the trial process. Judge Scriven dismissed defendants from the case, even though the defendants had filed a motion to dismiss which included unconscionable perjured content, issues that the plaintiff had filed motions to the court for action, yet the trial judge dismiss the defendants and ultimately dismiss the (Caldwell,

2018) lawsuit. Any federal judge that is ignorant as to the purpose of the "fruit of the poison tree" and actively serves on the bench, is useless to the public. The trial judge did not care. Judge Scriven's criminal actions can be dealt with through the judicial misconduct process. But the damage that she orchestrated; couple with the 11th Circuit Court's decision to not change a prior panel's decision; obliterated the 14th Amendment; the Constitution of the United States; F.R.C.P.; F.R.A.P.; Due Process Clause; the Court Rules (2) and, more importantly, (Caldwell, 2018) lawsuit. *The corruption at the district court and the appeals court was an absolute disgrace to the federal court system.*

(Rule 14.1(h)) STATEMENT AMPLIFYING REASONS RELIED ON FOR ALLOWANCE OF THE WRIT OF CERTIORARI (Rule 10)

(Caldwell's) reasoning is restoration of the judicial process in the use of the Rule of Law: (the district court, the appeals court and the Supreme Court) in adjudicating, *Keith R. Caldwell, Sr. vs. Dodge Chrysler Group, et al.*, lawsuit. The district court judge Mary S. Scriven, disgraced the law by turning the court room trial process into a carnival of clowns circus. There is no pulling back from the criminality and unjustified activities that she orchestrated in the process of a fictitious trial. If ever there's a stellar case for a mistrial, Ms. Scriven has written the blueprint for others to follow. As the TJ at the district court, she unleashed all the attributes of a corrupt judge. The trial judge

corruption was included in the Appellants brief and the Appellant's reply brief.

The 11th Circuit Court of Appeals cited two compelling reasons for denying (Caldwell's) appeal. The reason that included a written stipulation that the 11th Circuit Court of Appeals will not change the decision of a prior panel's findings. What does this stipulation have to do with justice or the law in general? The panel of judges should examine each case on merit case law. The appeal panels are shielded by the 11th Circuit's appeal evaluation process. Public trust in the appeal process lessens when an unqualified panel renders a decision outside of the scope of their professional skills and qualifications. (Caldwell's) appeal targeted the 11th Circuit Court's decision in and old case (Ayres, 2000). Since the (Caldwell) appeal was set to be denied due to a prior panel agreement in (Ayres, 2000). What was the reasoning that the 11th Circuit Court extorted filing fee costs in a case that was predetermined at the time of filing? Perhaps this case in fairness should have been moved to the U.S. Court of Appeals in Washington, D.C. on jurisdictional exemption. The (Caldwell) appeal was not evaluated by the 11th Circuit Court, on the basis of merit. The text of the panel's findings makes this assumption abundantly clear.

(Caldwell) is forced to ask the Supreme Court of the United States to weigh in on the incompetence of the panel whom reviewed the appeal in (Ayres, 2000) and also determine if the panel that reviewed (Caldwell, 2018) got it right. Neither of the panels had a legislative background to speak for the intentions of the

Congress relative to the Safety Act and "private right of action." Both panels had no background in the manner in which legislative law is crafted, research, written, vetted, etc. Americans did not exercise their vote to select 535 representatives to the House to write legislation that harms the public. In (Ayres, 2000) the panel were incompetent in their decision process by stipulating that Congress did not authorize ("no private right to action"). In (Caldwell, 2018) another panel asserted the same finding However, in this instance, the panel shutdown the Caldwell appeal even though it sought restitution for multiple adults and children. The incompetence on the part of the 11th Circuit Court rewarded General Motors (Ayres, 2000), and Dodge Chrysler (Caldwell, 2018). Who will be speaking in behalf of the judicial branch hypothetically, when a Toyota school bus engine blows up on a crowded interstate and the media is force feeding video of death and destruction on the 6:00 news from Maine to California? Will the Congress step in and take responsibility for the injustice of the Safety Act revision by the court, probably not? The judicial and legislative branch may be consumed in finger pointing as the public hones in on another automobile manufacturers tragic mishap.

(Rule 14.(h.1)) FAILURE OF CREDIBILITY IN THE FEDERAL COURT SYSTEM (In case: Keith R. Caldwell vs. Dodge Chrysler Group, LLC, et al. (2018))

The (Caldwell) petition for a Writ of Certiorari is the appropriate step in the appeal process. This step should not have been orchestrated. When the lawsuit was filed at the district court for the middle district of Florida (Tampa), the expectation was to have quick resolution. There was no prior knowledge of the criminal attributes and judicial abuse of power by the trial judge (TJ), Mary S. Scriven, nor prior knowledge of the 11th Circuit Courts behind the scenes agreement that included the appeals courts "in-house agreement to not overturn a prior panel's decision." The 11th Circuit Court's in-house arrangement undermines 'justice, the law, and the appeals processes.' The 11th Circuit Court has put to rest that an appeal in this court is riddled with opportunities for corruption. There is absolutely no way that the court demonstrates fair and impartial appeals process adjudication. The court panel did not actually read (Caldwell's) appeal brief. Why should the panel have read the case? ***The in-house agreement was the agent that responded to (Caldwell's) appeal; not justice and certainly not the law?*** The court accepted (Caldwell's) appeal while fully understanding that the appeal was set to be denied as soon as the filing fee check cleared. This is a poster example of judicial corruption, and a 'cash-cow of injustice' for the 11th Circuit Court. *The court should have returned*

the appeal filing fee check along with the pathetic and predetermined decision letter.

Does this circuit court arrangement exist in all of the circuit courts? It is a safe bet to assume that the media, and the public are unaware of the assault on our civil liberties and the appeals court process.

(Caldwell's) lawsuit in Keith R. Caldwell, Sr. vs. Dodge Chrysler Group, LLC, et al., is the poster case for allegations that the 11th Circuit Court predetermined that (Caldwell's) challenge of the 11th Circuit Court's ruling in the (Ayres, 2000), was a non-starter, soon after the filing fee payment process was completed. The probability that the district court trial judge was aware that an appeals panel would adhere to the 11th Circuit Court's ordained money-making business strategy was the reason that the trial judge free-lance adjudication of the district court trial.

The trial judge Mary S. Scriven had no reason from a legal perspective, to place her career on the line by corrupting the trial process; but she did. The TJ had to know about the illegality of 'the poison tree concept.' Still she corrupted the trial by dismissing the case under a cloud of incompetence and judicial shenanigans. The Michigan-based defendants had impeded the service of summons process. Dodge Office of the General Counsel, sent an employee from that office to address the process Servers, hired by (Caldwell). The woman claimed to be a Manager at the general counsel's office. The woman refused to accept the summons. (Caldwell) filed a motion to inform the trial judge of the Michigan-

based defendants' refusal to accept the summons from the district court in Florida. The subsequent filing of the defendants' dismissal motion, did not include the fact that the petitioner (Caldwell) actually hired two different process Server organizations to serve the Michigan defendants' summons. Both Server organizations were successful. These facts were excluded from the defendants' dismissal motion. Nonetheless, the trial judge dismissed the Michigan defendants from the lawsuit in July '19. It was at this point that the (Caldwell) lawsuit, was severely compromise. The dismissal motion should have included the fact that the summons process was impeded by the Michigan defendants. Additionally, the defendants' motion to dismiss, was not served to the petitioner. The petitioner's law suit was powerless to bounce back after the defendants had corrupted the trial process.

Upon dismissal of the lawsuit the petitioner filed a motion to rebuke the trial judge, afterwards the lawsuit disappeared down the drain. Mary S. Scriven should have denied the Michigan defendants' dismissal motion after the defendants impeded the petitioner's efforts to serve summons, granting the motion to dismiss became part of the "poisonous tree."

The trial judge compromised the case and she ultimately shutdown the lawsuit. Perhaps the trial judge had prior knowledge of the 11th Circuit Court pact with their panels, to not change prior panels' appeal decisions. This understanding may have propelled the trial judge to free-lance the trial process while facilitating her comfort level to abuse power: recklessness;

misguided ethics; violations of the Rules of the F.R.C.P.; failure to follow district court rules in regards to ethics and integrity; criminal malfeasance; lying to the public about her fitness to conduct a district court civil procedure. The trial judge's mental state and conscious efforts were detrimental to the petitioner's lawsuit, and (Caldwell's) efforts to have Dodge Corporation assume responsibility for a three-vehicle accident in Florida. The trial judge was apparently not incapable of presiding over a multi-state civil trial (Florida and Michigan).

The trial judge, may have been a victim of the ensuing corruption of justice when the 11th Court of Appeals issued a directive (in-house agreement on the operational strategies of the appeals process ("the prior panel case decision")).

Judicial misconduct occurs when a judge acts in ways that are considered unethical or otherwise violate the judge's obligations of impartial conduct; and violating other specific, mandatory standards of judicial conduct, such as judicial rules of procedure.

> *Judicial investigative committees are rarely appointed According to U.S. Court statistics, only 18 of the 1,484 judicial misconduct complaints filed in the United States Courts between September 2004 and September 2007 resulted in the formation of judicial*

investigative committees.[9] *Houston Chronicle 2008 Elected Versus Appointed Judges*[10]

Corruption in Our Courts –
Yale Law School Legal Scholarship

(Cataloguing cases of judicial malfeasance)

Given the duties that accompanies the trial judge position in courts around the nation. The trial judge cannot demonstrate partiality- in presiding over the trial Function, Black's Law Dictionary summarizes that the trial judge" is the term given to the judge who will preside over the trial. Black's Law Dictionary. There is no ambiguity in this expectation. The FR.CP. and the F.R.A.P. cites numerous instances of the importance and credibility of the trial judge. if the trial judge decides to "Deep 6"[11] *the rules and regulations of the trial process for either party, partiality sets in, and the trial will exhibit unfair treatment right up 'til the time ill which the decision letter is filed.*

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[9] Federal judges under scrutiny Houston Chronicle, October 13, 2008.

[10] *Elected Versus Appointed Judges.*

Corruption in Our Courts – Yale Law School Legal Scholarship.

What it Looks Like and Where It Is Hidden PDF Stratos, Pahis – cited by 28 judicial corruption; Geoffrey P. Miller, Bad Judges, 83 TEX L.REV. 431 (2004). The Yale Law Journal. http://digitalcommons.law.yale.edu.

[11] Military terminology when a soldier makes an independent decision to disregard specific rules and protocols for an action, behavior or event.

(Caldwell) the petitioner in this case, purpose is to express to the Supreme Court of the United States the importance of their decision to right an injustice, due to a judicially and factually flawed dismissal motion which was orchestrated by the Michigan defendants to a further corrupt a sufficiently corrupt trial judge, at the district court. Illegal dismissal of the Michigan-based defendants from the (Caldwell) lawsuit, in turn the U.S. Gov't entered the (Ayres, 2000) case into the lawsuit, and the appeal. The 11th Circuit Court of Appeals, had denied the right to private action in (Ayres, 2000) which cause the court to affirm the decision in (Caldwell, 2018), NOT based on merit of the case, denial was based on an in-house agreement to the active judges, that there are no reversals of prior panel decisions. Presumably, the 11th Circuit Court did not actually read or adjudicate the (Caldwell, 2018) appeal case. There was no incentive for the 11th Circuit Court panel to read the contents of (Caldwell's) appeal. Why would the panel bother to read the case? That would have been pointless. The decision letter affirm that the decision was determine before the appeal filing fee, cleared Wells Fargo bank. The 11th Circuit Court appeal process circumvents the purpose of (Caldwell's) right consistent with the "due process clause."

The 11th Circuit Court's decision in (Ayres, 2000) is incompetent, at best. The court managed to take a well-crafted legislative Safety Act, and turn it on its head by "*inferring congressional intent*" to legislation that provided the automobile industry a safe haven in the event the public files a lawsuit seeking to challenge

automobile manufactures, while they put faulty safety equipment, and dysfunctional vehicles on the road as noted in (Caldwell's) lawsuit. It was the 11th Circuit panel incompetence and absolute ignorance of the process to create legislation that 535 elected members of the Congress had written and voted to protect the public, upon the signature of the President. The Congress (voice of the public) did not intend to eliminate the public's right to private action (by filing a lawsuit) under the Safety Act. The panel effectively setback the Congress, and the public 100 hundred years, by determining that their decision in (Caldwell, 2018) is in the best interest of the public. Additionally, there is no evidence to conclude that the Congress were consulted in advance of the court's decision to change the text, language, purpose, and the intent of the Safety Act; absolutely no coordination. The panel's ignorance of the process in which the legislative branch craft and vet legislation, long before they vote on passage, was obvious in (Ayres, 2000), and in (Caldwell, 2018).

By affirming the lower court's ruling in (Caldwell, 2018), the 11th Circuit Court, without the benefit of the traditional appeals process, became an obstruction of justice, in the case. The court's appeal process was corrupted by the agreement to (not change a prior panel's appeal decision).

The court therefore affirmed that exclusion of the individual right to public action was congressional intent. Caldwell's case was different from (Ayres, 2000) in that forfeiture of right to public action includes: 3-vehicle automobile accident which cause physical

harm; loss of private property; thousands of dollars in vehicle repairs; ***three adults; two children***; one vehicle totaled; traffic fines; license restrictions; driver safety training; tripling of (Caldwell's vehicle insurance); hospitalization bill $27,000.00; medical treatment, physical therapy, etc.

The 11th Circuit Court panel cannot say with a straight face that Congress intended to exclude (Caldwell's) right to file a lawsuit. The court's decision destroyed the original intent of the Safety Act, which is to enforce safety, operable automobiles, and safety measures to force the automobile manufacturers to enhance public safety in the manufacturing of safe automobiles, trucks, and other wheeled vehicles.

The American people have no idea as to what the court has done to our Safety Act. The American people have no knowledge of the court's decision to alter the Safety Act. The 11th Circuit Court handed General Motor's Corporation a carrot in (Ayres, 2000). The same court handed Dodge Chrysler hundreds of thousands of dollars in (Caldwell, 2018). . . . What's next . . . perhaps the court will provide Toyota a carrot in the event a school bus blows up in flames on a major interstate, highway or road. Perhaps the thought of woman and children losing their lives because the 11th Circuit rewrote a provision in the Safety Act, that exclude the public's right to file a lawsuit.

The 535 elected members of the Congress are often guilty of curious errors in judgment, but in 65 years Congress has never issue a mandate in the form of a

law, that purposively exclude the public's right to sue, indicative to negligence on the part of automobile manufacturers. The U.S. Gov't, is not in the business of exerting their power to advise the public on the issue of lawsuit. That's not a function of government. The fact that members of the judicial community believe it is okay to refuse the public the right to file a lawsuit, demonstrate justification for separation of power.

What are the odds that the 11th Circuit Court panel would not have sued Toyota, General Motors, Dodge, Volkswagen, Cadillac, Jeep, Fiat, Ford, etc., if a family member were harmed or killed because the automobile manufacturer was in a rush to get the cash registers humming, at the expense of ignoring faulty brakes or a worn engine valve? Safety features are the components that save lives, the court had no business free-lancing in the business of the legislative branch. The tragedy is that the courts do not read daily accident reports from national newspapers, and on the 6:00 pm news, from Maine to California.

The federal agencies that the court stipulated as primary responsible agents to manage public Safety Act concerns, the U.S. Attorney General, and the Secretary, U.S. Department of Transportation, do not have an office within their organizational structure that mediates for the public's right to file a lawsuit; absolutely none. The U.S. Gov't is not the agent to advise the public when to sue or not to sue. Americans are fully competent in the lawsuit process. The majority of Americans know when to sue or not sue automobile

manufacturers or any other manufacturers. The concept of "Big Brother" departed in the 1970's.

The U.S. gov't does not care about an individual vehicle accident. The 11th Circuit Court fumbled this matter in (Ayres, 2000), and (Caldwell, 2018), the Supreme Court of the U.S. owns this matter now. *The public demands common sense not judicial legislation* relevant to individual's right to file a lawsuit.

What happened to the "judicial review process?" The 11th Circuit clumsy response to (Ayres, 2000) is pathetic. Congress does not write laws that harm the public. The courts have no idea as to the congregational process of legislation. The public does have the right to private action to file a lawsuit citing Safety Act provisions. The 11th Circuit missed the mark on the appeals process in (Caldwell, 2018) by a long, long, country mile.

PETITIONER'S CASE FACTS vs. THE 11TH CIRCUIT COURT DECISION

In the Appendix, there is a newsletter that was publish by the organization whom sponsored the Attorney's that represented General Motors Corporation (G.M.) in the (Ayres, 2000) 11th Circuit Court case. The attorney's that duped the 11th Circuit Court into changing the Safety Act, had essentially mocked the court's decision, while acknowledging that the court had in fact changed the Safety Act, in his words " . . . the court made new law." Making law is the function of

the legislative branch of the U.S. government. The attorney goes on to state that the automobile manufacturers will be happy with the 11th Circuit's ruling in (Ayres, 2000).

The automobile manufacturers profited from the courts 'unwarranted' to the change. The purpose of the Safety Act is to endorse an environment in which: automobile manufacturers, the Secretary of the DOT, the U.S. AG, the U.S. government, and the general public, to remain focus on overall safety in the nation. G.M. is a highly regarded automobile manufacturer in the United States. They have organizational resources which 100's of millions of the public do not have access or monies, to corrupt the federal court system. In the newsletter, the G.M. hired attorney's, acknowledged that the appeal they argued on behalf of G.M., had indeed changed the Safety Act, from its original context; thus creating new law, which was not instituted by the sanctioned legislative process. In other words, the 11th Circuit Court had established a critical change to the Safety Act. Though there were no experts from the legislative branch to advise the court, on the process to legitimize the court's legislative action. The public was collectively harmed by the court's incompetence, and the courts failure to render legitimacy to the court's revision to the Safety Act.

How did a well-funded G.M. attorney waltz into the 11th Circuit Court to argue a critical revision to the Safety Act legislation, which was voted on by 535 elected House Representatives? A revision that essentially provides all automobile manufacturers' a

get-out-of-jail-free card. The issue in question stipulated that ***the Congress (the voice of the public), had actually intended that the public "does not have the right to private action."*** There is no basis to render this revision. The 11th Circuit Court's revision is a *'direct slap in the face to the public'* the decision betrays the public trust in the judicial branch of our government. The 11th Circuit Court panel had injected *an* incompetent decision that revised the legislative version of the Safety Act.

In researching this issue, there is no evidence that the 11th Circuit bothered to submit the (Ayres, 2000) decision through a judicial review process. When judicial decisions create a critical change in how the Congress and the executive branch functions, and to provide proper context of the change to the nation's laws that are produced by congress, ***those cases must pass through the judicial review process***. The 11th Circuit obliterated the public's right to file a lawsuit against any automobile manufacturers, while citing the Safety Act. This oversight was sufficiently introduced in the Appellant's brief and the reply brief, in (Caldwell, 2018). In (Caldwell, 2018) the 11th Circuit Court had ratchet up the incompetence of the appeal panel's decision, by denying the appeal.

The fact that (Caldwell, 2018) lawsuit was based on actual victims which included: (3-adults and 2-children in a 3-vehicle accident in which the vehicle brakes failed to stop at an intersection), the cost of the destruction of three vehicles, new vehicular demands, hospitalization, medical costs, 3-years of triple the rate

of automobile insurance, State of Florida driving restrictions, penalties, financial restitution for all of the victims. The 11th Circuit basically turn their back in the (Ayres, 2000) case. However, in (Caldwell, 2018) the 11th Circuit up'ed the ante by concluding that even though Ayres, et al., in 2000 was about allege dysfunctional automobile equipment, and General Motor's role in that transaction, the Caldwell et al., in 2018 case was all about the human toll that resulted from a failed set of brakes on a Dodge Corporation 2013 Durango. This matter is larger than two court cases. The 11th Circuit Court turned rogue, on all Americans. The level of incompetence by the federal court, while citing the 11th Circuit's mindless corruption of the Safety Act, in (Ayres, 2000), and by confirming the court's incompetence 18 years later in (Caldwell, 2018), brings absolute clarity to the founding fathers' inclusion of the separation of powers. The Constitution of the U.S. assigns the duties of crafting our laws to the legislative branch. Period. Appeals courts judges render decisions on whom is eligible for the death penalty. Yet, they lack solid credentials to properly interpret legislative laws, such as the Safety Act, whose focus is unequivocally on public safety, and the automobile manufacturers' role in public safety. This issue is all about the responsibilities of the legislatures and the President's, lawmaking production and approval processes. The 11th Circuit Court handed automobile manufacturers a (get-out-of-jail-free card). To my understanding no other manufacturer in the United States enjoys this perk. What made this manufacturing industry the recipient of a government perk that permits the industry to roll

out unsafe vehicles annually, while eluding federal government accountability?

CONCLUSION

Dr. Keith R. Caldwell Sr. (Petitioner)
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In closing, the automobile accident that is described in this Petition for Writ of Certiorari, occurred on October 16, 2016, I have entered the sixth year in search of accountability. When I pursued this lawsuit, I had expected minimal interference from the defendants, and the federal courts. However, I was introduced to an incompetent and corrupt decision, in regards to the 11th Circuit Court of Appeals case (Ayres v. General Motors, et al., 2000). The appeals court panel sufficiently demonstrated that our federal court system is broken. The appeals court panel certified a change to the congressional legislation titled Safety Act; the judicial law change destroyed the purpose of the legislation. In the Ayres, 2000 appeals court case, the 11th Circuit Court without logic or good thought, ordered that the public is stripped of the right to individual action in regards to the Safety Act. In the judicial-law rendition, the general public would no longer be able to file a lawsuit against any automobile manufacturer, which cites the Safety Act, as the primary justification in a civil lawsuit. This head-scratching judicial revision law applies to vehicular accident lawsuits that

include: death, maim, hospitalization, injuries, hurt, medically restrained, life support cases, etc. The court's justification assumes that the Congress of the United States, had intended to include this stipulation (no individual right to action) when the legislation was crafted, and then voted on, by 535 members of congress that the public had elected.

Despite the fact that the 11th Circuit Court decision has been functioning for 18-years; no entity of the judicial branch and the legislative branch has bothered to re-think the incompetence in the judicial thought process, surrounding the 11th Circuit Court's decision in November, 2000. Does the circuit decision make sense? **No!** Is the public safer due to the court's revised version of the new Safety Act, effective in 2000? **No!** Is America safer by the judicial-law edict which provides unearned perks to automobile manufacturers? ***No! The reality is that two entities profit from the 11th Circuit Court decision: 1. the federal court system benefits by discharging lawsuits citing their version of the revised Safety Act legislation relevant to automobile/trucks, etc. Less court cases to adjudicate, lower caseloads in court despite barring the public from exercising our due process rights relevant to the 5th 14th Amendments to the constitution. 2. The automobile manufacturers benefit; less lawsuits keep their cash registers running. Manufacturers can continue to field vehicles without safety equipment thereby cost saving$ and thoughtless decision-making***

that have safety implications. More deaths and injuries on the public highways.

The issue of public safety, created by the 11th Circuit Court of Appeals impact all of the public. The legislatures must fix the Safety Act, or, the Supreme Court of the United States must take charge, before the impact of the ridiculous 11th Circuit Court change consumes the public. Please fix this issue now.

In regards to what I consider the most appropriate award justification for the losses, anguish and punitive damages, physical, mental health, and emotional strain over the past five years, the petitioner will consider the monetary award as settled in the amount of $4,500,000 and $6,000,000. The SCOTUS is free to set the monetary award within this range.

Respectfully submitted,

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ORIGINALLY FILED:
October 21, 2021
RE-FILED:
January 25, 2022