No. 21-21-1499

In The

Supreme Court of the United States

MAHESH RAMCHANNDANI,

Petitioner,

v.

DR. SUNIL GANDHI,
SHAH NIKESH,
KABRAWALA CHIRAG,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

Pro Se
MAHESH RAMCHANNDANI
3730 Ingleside Blvd., #1203
Ladson, SC 29456
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QUESTION PRESENTED

Statement by Landlord in an email exhibit 001

Deal is Approved but being that their money is in India, I need 4 months deposit – 1 month of that will be first month's rent.

Petitioner feels the law 42 U.S.C. § 1982 is violated, and Judge Mendoza says no.

42 US Code § 1982 Property rights of Citizens

All Citizens of the United States shall have the same right, in every state and Territory, as enjoyed by white citizens thereof to inherit, purchase, lease, hold, and convey real or personal property.

Honorable Judge Carlos Mendoza and Honorable Magistrate Judge Denial C Irick feel that is not enough to file a discrimination case, Case 6:18-cv-01647 docket entry 11 (page 5/6) dated 12/06/2018 (Exhibit 002).

Apparently, that email is a discriminating statement about the Plaintiff being from India and insisting more money for security deposit, which allegedly violates the rights of the Plaintiff to enjoy the same entitlements as any other US citizen, giving rise to a claimed liability under § 1982. There is no other mention of any allegedly discriminatory conduct or violation of federal law.

Plaintiffs' sole allegation that a Defendant required four months' deposit because Plaintiffs' Case 6:18-cv-01647-CEM-DCI Document 11 Filed 12/06/18 Page 5 of 13 Page ID 92 6 money was in India is not sufficient to

QUESTION PRESENTED – Continued

state a cause of action under § 1982. Ramchandani v. Sanghrajka, No. 6:17-cv-1848-Orl-41DCI, 2018 U.S. Dist. LEXIS 160189, at *6-8 (M.D. Fla. Mar. 1, 2018).

PARTIES TO THE CASE/ CORPORATE DISCLOSURE STATEMENT

Rule 29.6 Corporate Disclosure Statement:

APPELLANT'S CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Appellant files this certificate identifying interested persons:

Mahesh Ramchanndani Appellant

Dr Gandhi Sunil Appellee

Shah Nikesh Appellee

Kabrawala Chirag Appellee

Appellant is an individual person. Accordingly, there are no parent corporations or any publicly held corporations which own 10% or more of relevant corporate stock required to be disclosed under these rules.

STATEMENT OF RELATED CASES

111 SOUTH KNOWLES PARTNERS LLC v. SWEET FROG OF FLORIDA LLC 2017-CC-000280-O US District court 9th Circuit Orange County Orlando FL Judgment entered 2/07/2017 (Eviction). Judge David P Johnson.

SWEET FROG OF FLORIDA LLC v. 111 SOUTH KNOWLES PARTNERS LLC 2017-CV-000028-A-O US District Court 9th Circuit Orange County Orlando FL Judgment Entered 06/23/2017 Judge Panel C

SWEET FROG OF FLORIDA LLC v. 111 SOUTH KNOWLES PARTNERS LLC 5D17-2368 Writ of Certiorari 5th District Court of Appeal Daytona Beach FL Judgment 10/05/2017 Judge UNK

RAMCHANNDANI v. GANDHI 6:18-CV-1647 United States District Court for the Middle District of Florida Orlando FL Judgment Entered 06/26/2019 Judge Carlos E Mendoza

RAMCHANNDANI v. 111 SOUTH KNOWLES PARTNERS LLC 2019-CA-8578-O US District Court 9th Circuit Orange County Orlando FL Judgment entered 10/18/2019 Judge Chad K Alvaro

RAMCHANNDANI v. 111 SOUTH KNOWLES PARTNERS LLC 5D19-3076 District Court of Appeal of the state of Florida 5th District Judgment entered 06/29/2020 Judge UNK

STATEMENT OF RELATED CASES – Continued

RAMCHANNDANI v. GANDHI 20-13231-O United States Court of Appeal for the Eleventh Circuit Judgment Entered 02/07/2022 Judges ADALBERTO JORDEN, ELIZABETH GRANT and ROBERT LUCK Originally Judges were E Grant, B. Lagoa, and BBM.

RAMCHANNDANI v. GANDHI 22-XXXX United States Supreme Court date case filed 04/18/2022

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RAMCHANNDANI v. GANDHI 22-XXXX United States Supreme Court date case filed 04/18/2022

JURISDICTIONAL STATEMENT

Judgment given on 02/07/2022 for case # 20-13231-O Eleventh Circuit Appeals Court.

The petition for rehearing was denied on 03/02/2022. The Supreme Court sent a letter on 04/25/2022, giving Petitioner sixty days to resubmit the petition.

The Supreme Court of United States, has jurisdiction to hear this appeal pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

There are no constitutional or statutory provisions involved.

STATEMENT OF THE CASE

While reading the opinion of the Eleventh Circuit Court, keep in mind this is the case of Judge Brutality, where what Ramchanndani has done is made Mountain out of molehill and what judge has done is making molehill out of a Mountain.

Ramchanndani has spent $200,000 in this business, still Judge treat him like a pan handler at traffic light.

Eviction Judge has seen following before eviction, but he still ordered eviction

1. Lease is unenforceable because FL statute § 689.1 says witness signature must for lease over 1 year or more.

2 In FL LLC v. LLC should be represented by Attorney only, Honorable Judge let pro se Tenant write motions. See Daytona Migi Corp v. Daytona Automotive Fiberglass Inc., 417 So 2d 272 (FLA 5th DCA 1982) *Hence* Eviction case is considered UNCONTESTED.

3. Good cause shown, FL rule 83.232 says Judge can see good cause shown and avoid eviction, petitioner deposited $8000 rent in court registry, Honorable Judge did not see that as good cause shown.

Tenant was present for mediation on 2/9/2017 at location, fees were paid. But no mediation. Exhibit 003.

Petitioner wrote same above 3 points asking Justice to federal Judge Mendoza

In case no 6:18-cv-1647-CEM-DCI, Honorable Judge Carlos Mendoza dismissed the case 5 days before compelled to discovery answers were due. Biased dismissal. Petitioner feels that **Honorable Judge Carlos Mendoza did obstruction to justice**. After reading the discovery answers, he could have dismissed the case. Honorable Judge Carlos Mendoza concludes petitioner is dangerous man, Judge and petitioner never met face to face or spoke one on one more than 2 minutes. Petitioner can give 100 names, phone no and email address of people who have worked with him and are close associates of petitioner, who can vouch saying petitioner is not a dangerous person as claimed by Honorable Judge Mendoza.

Origin of this case is, for **Abuse of Process** for eviction, if Respondent Landlord Dr Gandhi was not to evict Petitioner, this case of discrimination would not have surfaced. There are many prongs to this Abuse of Process For eviction.

1. Lease Covenant (page 19 para 17.14) says TIME IS OF ESSENCE, Awning install date is Jan 23rd 2017, so rent should begin on Jan 23 2017.

2. Lease covenant (7.1 on page 10 of lease) reads, tenant surrenders common law.

3. Promissory stopple for atrium seating.

4. Discriminating against national origin to ask for higher security deposit.

5. Florida rule 689.1 says lease to have witness signatures to be valid lease. There are no witness signatures in this lease.

6. Misrepresenting area to get higher rent. 1224 sq feet in lease, v. 1068 architecture drawing.

Is Prong No 4 Cert Worthy? "I need 4 months of rent because his money is coming from India." This is written by a 29-year experienced Realtor. Petitioner says 42 U.S.C. § 1982 is violated.

Now Honorable Judge Carlos Mendoza is also the judge on the case filed by petitioner's wife (33% owner in Petitioner's LLC) on to the 4th Landlord who is not sued by Petitioner. Case no 6:22-CV-000330-O filed dated 02/11/2022. I have requested my wife to wait, till this Writ of Certiorari's fate is decided by Supreme Court.

Petitioner has moved from Houston TX to Charleston SC for temp assignment. This case is prime example of Gullible people being gullied. Asking for Justice PRO SE seems to be failing in this case. Petitioner has constitutional right to get Justice.

REASONS FOR GRANTING THE WRIT

1. Stop Judge Brutality, it does not give me any pleasure to complaint about our Judiciary system, or take gains out of discrimination case. Dr Gandhi has done Abuse of Process and he should be held accountable for.

2. Federalism must be upheld. The two court systems (state/federal) in our country was developed so that local Judge is not biased to local public and out of state litigant must not be deprived of justice.

3. This case is dismissed 9 times by different courts WITHOUT TRIAL. Every judge said only one thing, this case decided by a federal judge and they would not want to go against him. Federal judge has not decided after trial, but done obstruction to Justice.

4. Sanctions on PRO SE litigant sounds horrifying. Can we please have a new law for granting court appointed attorney for such cases.

5. Conflict of Interest: Why would Honorable Judge Mendoza reopen the case and reclose the case, when the blame of Judicial canon is on him.

6. Mahatma Gandhi is Father of Nation in India, respondent Dr Gandhi might be dissident of Mahatma Gandhi, but that does not give him authority above the constitution of United States. *(No one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law).*

CONCLUSION

Writ of Certiorari should be granted. Petitioner will accept any other relief suggested by Honorable Supreme Court.

Respectfully submitted,

Originally filed:
April 18, 2022
Re-filed: May 24, 2022

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[DO NOT PUBLISH]

In the
United States Court of Appeals
for the Eleventh Circuit

No. 20-13231

Non-Argument Calendar

MAHESH RAMCHANNDANI,

Plaintiff-Appellant,

versus

SUNIL GAHDHI,
Dr.,
CHIRAG KABRAWALA,
NIKESH SHAH,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:18-cv-01647-CEM-DCI

(Filed Feb. 7, 2022)

Before JORDAN, GRANT, and LUCK, Circuit Judges.

PER CURIAM.

Mahesh Ramchanndani appeals after the district court and magistrate judge denied his postjudgment

motions filed more than a year after the dismissal of his amended complaint. Because Ramchanndani made clear that he is appealing the magistrate judge's August 18, 2020 order and we lack jurisdiction to review that order, we must dismiss his appeal.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

In October 2018, Ramchanndani sued Dr. Sunil Gahdhi, Chirag Kabrawala, and Nikesh Shah, alleging that they violated 42 U.S.C. section 1982 and Florida's Deceptive and Unfair Trade Practices Act when they evicted his yogurt shop from their commercial property. The defendants moved to dismiss Ramchanndani's amended complaint for failure to state a claim. The magistrate judge issued a report recommending that the district court dismiss the amended complaint with prejudice. Ramchanndani objected to the report and moved for summary judgment. On June 26, 2019, the district court adopted the report over Ramchanndani's objection, dismissed the amended complaint with prejudice, and denied Ramchanndani's motion for summary judgment as moot.

On July 1, 2019, Ramchanndani filed a motion to reopen the case under Federal Rule of Civil Procedure 60(b)(6), arguing that, under a Wyoming Supreme Court decision, the district court used "excessive . . . powers" when it dismissed his amended complaint with prejudice. The district court denied the motion, explaining that Ramchanndani "failed to meet its

burden to show extreme and unexpected hardship justifying such extraordinary relief."

More than a year later, on July 20, 2020, Ramchanndani filed another motion to reopen the case under rule 60(b)(6). In the motion, he: (1) referenced a dismissed state court case against a third-party; (2) asked the district court "[h]ow and [w]hen will he earn th[e] money to be debt free?"; (3) expressed his dissatisfaction with the "Abused American Justice system"; (4) argued that the district court could have "waited to give judgement by 5 days, after defendants filed answer to discovery question"; and (5) cited the same Wyoming Supreme Court decision from his first motion to reopen.

On July 22, 2020, the magistrate judge issued a report recommending that the motion be denied because Ramchanndani's financial difficulties, complaints about the "American Justice system," and the citation to the Wyoming decision did not satisfy his burden under rule 60(b)(6). The magistrate judge also noted that a motion under rule 60(b) must be filed within a "reasonable time" and that Ramchanndani filed his motion more than a year after the judgment was entered. Ramchanndani objected to the report, reasserted the arguments in his motion, and accused the district court and magistrate judge of misconduct, including that they were "giving protection to defendants."

On August 12, 2020, the district court adopted the report, "agree[ing] entirely with [its] analysis," and denied Ramchanndani's second motion to reopen. The

district court also noted that it had "learned some disturbing facts" about Ramchanndani's conduct in the case. Ramchanndani had verbally accosted one of the magistrate judge's law clerks and had attempted to contact the magistrate judge's relatives and college, and his objection included disrespectful and threatening statements about the magistrate judge and district court. The district court ordered Ramchanndani to appear at a hearing and explain why it should not impose sanctions.

On August 18, 2020, Ramchanndani filed a "Motion for Miscellaneous relief," in which he admitted to and apologized for his conduct, asked for forgiveness, and asked for the district court to appoint him counsel to assist with his case. Ramchanndani also filed a "Motion for Amended Objection to [Report & Recommendation]," asking the court to strike his previous objection to the report, to accept his filing as an amended objection, and to reject the magistrate judge's recommendation that his second motion to reopen be denied. He also requested restitution, injunctive relief, and punitive damages for conduct alleged in his amended complaint and said that, had the defendants answered his discovery questions, they would have been forced to either "accept[] the charges levelled against them" or submit false statements to the court, which he said could have led to a criminal conviction. Later that day, the magistrate judge denied Ramchanndani's motions, explaining that the court had already ruled on his objections and the case was closed.

After the sanctions hearing, the district court ordered Ramchanndani to pay $1,000 in sanctions for his harassment of the magistrate judge, the magistrate judge's law clerk, and defense counsel, and for his repeated motions after the case had been closed. The court also warned Ramchanndani that he risked criminal contempt proceedings if he continued to harass those involved in the case, and that if he filed another motion it would be stricken and could lead to more sanctions.

On August 26, 2020, Ramchanndani filed a notice of appeal. The notice said that he was appealing the "[o]rder granting the [d]ismissal of the case . . . entered by the . . . [d]istrict [c]ourt on August 18th 2020 (Dkt. 58)." We issued a jurisdictional question asking Ramchanndani to identify which order or orders he was appealing. Ramchanndani responded that he was appealing "[d]ocket entry 58 dated 8/18/2020"—the magistrate judge's order denying Ramchanndani's motions for miscellaneous relief and to amend his objections.

We dismissed part of the appeal because we lacked jurisdiction to review the magistrate judge's order denying Ramchanndani's motions for miscellaneous relief and to amend his objections. We explained that the August 18, 2020 order "was issued by a magistrate judge and Ramchanndani did not appeal it to the district court," and, therefore, "the order was never rendered final." We added that we also lacked jurisdiction to review the district court's sanctions order because "Ramchanndani ha[d] not specified his intent to appeal that order in his notice of appeal or anywhere in his

appellate brief." Thus, we dismissed Ramchanndani's appeal as to those orders. But we ordered that the question of whether Ramchanndani "actually intended" to appeal the district court's August 12, 2020 order denying his second motion to reopen be carried with the case.

DISCUSSION

We now address the question that we carried with the case: whether Ramchanndani "actually intended" to appeal the district court's August 12, 2020 order denying his second motion to reopen. We've made it "abundantly clear that a timely and properly filed notice of appeal is a mandatory prerequisite to appellate jurisdiction." *Holloman v. Mail-Well Corp.*, 443 F.3d 832, 844 (11th Cir. 2006). "A party intending to challenge an order . . . must file a notice of appeal, or an amended notice of appeal—in compliance with [r]ule 3(c)." Fed. R. App. P. 4(a)(4)(B)(ii). Under rule 3(c), a notice of appeal must "designate the judgment—or the appealable order—from which the appeal is taken." Fed. R. App. P. 3(c)(1)(B).[1]

While the rule "is absolute and inflexible," we have been "forgiving in determining what constitutes effective notice of appeal." *Holloman*, 443 F.3d at 844. And

[1] We quote the new version of rule 3, which became effective on December 1, 2021. *See* Proposed Amendments to the Federal Rules of Appellate Procedure, Rules 3 and 6 and Forms 1 and 2, 337 F.R.D. 813, 814 (U.S. Apr. 14, 2021). The Supreme Court's order adopting the new version of rule 3 said that it should apply to all pending cases "insofar as just and practicable." *See id.* So we apply it here.

"it is well settled that an appeal is not lost if a mistake is made in designating the judgment appealed from where it is clear that the overriding intent was effectively to appeal." *KH Outdoor, LLC v. City of Trussville*, 465 F.3d 1256, 1260 (11th Cir. 2006) (quoting *Kicklighter v. Nails by Jannee, Inc.*, 616 F.2d 734, 739 n.1 (5th Cir. 1980)). Thus, "[w]e have jurisdiction to review . . . judgments or orders specified—expressly or impliedly—in the notice of appeal." *Club Car, Inc. v. Club Car (Quebec) Imp., Inc.*, 362 F.3d 775, 785 (11th Cir. 2004). "We may look to the record, including the parties' briefs, to determine the orders . . . an appellant intended to appeal." *Nichols v. Ala. State Bar*, 815 F.3d 726, 731 (11th Cir. 2016).

Looking to the notice of appeal, Ramchanndani's answer to the jurisdictional question, and his brief, there is no indication that he intended to appeal the district court's August 12, 2020 order denying his second motion to reopen. Ramchanndani's notice of appeal was clear that he was appealing the "[o]rder granting the [d]ismissal of the case . . . entered by the . . . [d]istrict [c]ourt on August 18th 2020 (Dkt. 58)." The August 18, 2020 order was the magistrate judge's order denying Ramchanndani's motions for miscellaneous relief and to amend his objection. "Where a notice of appeal specifies a particular judgment or ruling, we infer that others are not part of the appeal." *Club Car*, 362 F.3d at 785. Still, with our jurisdictional question, we gave Ramchanndani the opportunity to clarify which order or orders he was appealing, and he confirmed that he was appealing "[d]ocket entry 58 dated 8/18/2020." We have already dismissed his appeal of

that order for lack of jurisdiction because "the order was issued by a magistrate judge and Ramchanndani did not appeal it to the district court."

In his brief, Ramchanndani argues that we have jurisdiction because "this is an appeal of a final dismissal without trial." He lists two dates of dismissal: "6/26/2019 and 8/18/2020." To the extent Ramchanndani intended to appeal the district court's June 26, 2019 order dismissing his amended complaint, we also lack jurisdiction to review that order because any appeal would be untimely. A notice of appeal "must be filed with the district clerk within [thirty] days after entry of the judgment or order appealed from." Fed. R. App. P. 4(a)(1)(A). Ramchanndani filed his notice of appeal on August 26, 2020—more than a year after the district court's order of dismissal. And to the extent that he intended to appeal the August 18, 2020 order, that was the nonfinal magistrate judge's order that is also not directly appealable.

Rule 3 required Ramchanndani's notice of appeal to "designate . . . the appealable order . . . from which [his] appeal [was] taken." Fed. R. App. P. 3(c)(1)(B). His notice of appeal designated the magistrate judge's nonfinal—and not directly appealable—August 18, 2020 order. In response to our jurisdictional question, Ramchanndani doubled down and said that he was appealing the magistrate judge's August 18, 2020 order. And he tripled down in his brief. Thus, there is no indication that Ramchanndani's "overriding intent" was to appeal anything other than the magistrate judge's August 18, 2020 order. *See KH Outdoor*, 465 F.3d at 1260. Because we don't have jurisdiction to review the magistrate

judge's August 18, 2020 order, we must dismiss Ramchanndani's appeal.

DISMISSED.[2]

[2] Ramchanndani's motion for sanctions for spoliation of evidence is **DENIED AS MOOT**.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MAHESH RAMCHANNDANI,

Plaintiff,

v.

SUNIL GAHDHI,

CHIRAG KABRAWALA

and NIKESH SHAH,

Defendants.

Full docket text for document 58:
ENDORSED ORDER denying [56] Motion for Misc. Relief; denying [57] Motion for Amended Objection to R&R. The Court has already ruled on the objection and the case is closed. Signed by Magistrate Judge Daniel C. Irick on 8/18/2020. (Irick, Daniel)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MAHESH RAMCHANNDANI,

Plaintiff,

v.

Case No: 6:18-cv-1647-Orl-41DCI

SUNIL GAHDHI, CHIRAG KABRAWALA and NIKESH SHAH,

Defendants. /

ORDER

(Filed Aug. 12, 2020)

THIS CAUSE is before the Court upon *sua sponte* review. On July 20, 2020, Plaintiff filed a Motion to Reopen Case ("Motion," Doc. 50). United States Magistrate Judge Daniel C. Irick issued a Report and Recommendation ("R&R," Doc. 51) in which he recommends that the Motion be denied.

By way of background, Plaintiff's Amended Complaint was dismissed by the Court, and the case is closed. (June 26, 2019 Order, Doc. 47).[1] Then, Plaintiff filed his first Motion for Reconsideration ("First Motion," Doc.

[1] The Court notes that this is Plaintiff's second time bringing a case surrounding the facts alleged in the Amended Complaint. *See Mahesh Ramchandani et al. v. Sunit Sanghrajka et al.*, 6:17-cv-1848-Orl-41DCI (M.D. Fla.), Doc. 1. The first case was also dismissed with prejudice. *Id.* at Doc. 56.

48), which was denied due to Plaintiff's failure to meet his burden. (July 11, 2019 Order, Doc. 49, at 1). Despite this, now more than a year later, Plaintiff filed the instant Motion that, as Judge Irick points out, largely reiterates arguments made within the First Motion, asks the Court rhetorical questions, and references a state court case involving a company that is not a party to this action. (Doc. 51 at 2). Judge Irick "recommends that the Court deny the Second Motion for the same reason it denied the First Motion. Namely, Plaintiff has failed to meet its burden to show extreme and unexpected hardship justifying such extraordinary relief." (*Id.* (internal quotation omitted)). Plaintiff filed an Objection to the R&R ("Objection," Doc. 52). The Objection largely restates Plaintiff's arguments in the Motion and again asks the Court rhetorical questions.

However, upon review of the R&R, some disturbing facts regarding Plaintiff have been brought to light. First, in Plaintiff's Objection, Plaintiff accuses Judge Irick of being on a "very heavy dose of drugs when he wrote [the] R&R." (*Id.* at 5). This portion of the Objection was crossed out and signed by Plaintiff using a ballpoint pen, but that does not save Plaintiff from his accusation. Such slanderous language towards a federal Judge is a sanctionable offense. *Bethel v. Escambia Cty.*, No. 3:06cv70/RV/EMT, 2006 U.S. Dist. LEXIS 92094, at *6 (N.D. Fla. Dec. 20, 2006) (warning plaintiffs that future use of disrespectful language towards a United States Magistrate Judge will result in an immediate sanction and will not be tolerated). Indeed, the Court would be well within its rights to sanction

Plaintiff for this statement alone. Further, in the Objection, not only does Plaintiff accuse Judge Irick of drug use, but without any basis, he questions Judge Irick's impartiality, stating "I have this feeling . . . Judge [Irick] is giving protection to these Defendants." (Doc. 52 at 3). Moreover, Plaintiff also appears to make a thinly veiled threat to either Judge Irick or the Undersigned when he states, "you are putting a final nail in the coffin, aren't you worried about karma?" (*Id.* at 5). And, this is not the only offensive conduct that this Court has been made aware of.

The Court also learned that in May 2019, one of Judge Irick's law clerks received a phone call from Plaintiff following a negative ruling from the Court. Plaintiff was angry with the law clerk and verbally accosted him. This behavior by Plaintiff is unacceptable. Plaintiff's harassment of the Court's staff is not taken lightly by the Court.

Lastly and most disturbingly, Judge Irick informed the Undersigned that Plaintiff previously reached out to a relative of Judge Irick and asked whether the relative was Judge Irick's son. At best, Plaintiff was attempting to contact Judge Irick's son in a misguided attempt to reach Judge Irick. The Court believes that more likely, given Plaintiff's demonstrated propensity toward such behavior, Plaintiff was hoping to intimidate or harass Judge Irick. This course of action culminated in Plaintiff being interviewed by Deputy United States Marshals in order to determine whether or not Plaintiff was a threat to Judge Irick or his family. While the Marshals found that Plaintiff was not a

threat because he had since left Orlando, the fact that Plaintiff researched and attempted to find and contact Judge Irick's son is completely unacceptable and reprehensible.

"Courts have the inherent power to police those appearing before them." *Purchasing Power, LLC v. Bluestem Brands, Inc.*, 851 F.3d 1218, 1223 (11th Cir. 2017) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46 (1991)). This Court's inherent power is "governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Id.* (quoting *Chambers*, 501 U.S. at 43). The Court may exercise this authority "to sanction the willful disobedience of a court order, and to sanction a party who has acted in bad faith, vexatiously, wantonly, or for oppressive reasons." *Id.* (quoting *Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 381 (2013)). The Court believes Plaintiff's actions may warrant sanctions.

After a *de novo* review of the record, and considering the Objection, the Court agrees entirely with the analysis in the R&R—Plaintiff has not met his burden to warrant reopening this case. And, Plaintiff will be required to appear telephonically on August 20, 2020 at 9 AM in order to show cause as to why sanctions should not be imposed.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 51) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Plaintiff's Motion to Reopen (Doc. 50) is **DENIED.**

3. On **August 20, 2020 at 9 AM**, all parties shall appear telephonically, and Plaintiff shall **SHOW CAUSE** as to why sanctions should not be imposed. Defendants shall also appear and will be given an opportunity to apprise the Court of any related and relevant information regarding Plaintiff's conduct during this litigation.

4. The parties shall call 866-434-5269 five minutes before the hearing is scheduled to begin. Access Code: 4420602. Security Code: 082020.

DONE and **ORDERED** in Orlando, Florida on August 12, 2020.

/s/ Carlos E. Mendoza
CARLOS E. MENDOZA
UNITED STATES
DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MAHESH RAMCHANNDANI,

Plaintiff,

v.

SUNIL GAHDHI, CHIRAG KABRAWALA and NIKESH SHAH,

Defendants.

Case No: 6:18-cv-1647-Orl-41DCI

REPORT AND RECOMMENDATION

(Filed Jul. 22, 2020)

This cause comes before the Court for consideration without oral argument on the following motion:

MOTION:	**Motion to Reopen Case (Doc. 50)**
FILED:	**July 20, 2020**

THEREON it is ORDERED that the motion is **DENIED.**

On June 26, 2019, the Court entered an order dismissing the Amended Complaint in this action with prejudice and closing the case. Doc. 47. Five days later, Plaintiff filed a motion to reopen the case and for reconsideration of that order pursuant to Federal Rule of Civil Procedure 60(b)(6). Doc. 48 (the First Motion). On

July 11, 2019, the Court entered an order denying the First Motion, finding that "Plaintiff has failed to meet its burden to show extreme and unexpected hardship justifying such extraordinary relief" Doc. 49. This action is again before the Court.

On July 20, 2020, the *pro se* Plaintiff filed a "motion to reopen case," seeking reconsideration of the Court's June 26, 2019 order, again pursuant to Rule 60(b)(6). Doc. 50 (the Second Motion). As grounds for relief, Plaintiff makes five points. The first three points are related to an October 17, 2019 state court order dismissing Plaintiffs case against a limited liability company that is not a party to this action, and the state court appellate decisions upholding (or refusing to review) that order. Doc. 50 at 1, 4-7. The fourth is a rhetorical question concerning Plaintiff's financial difficulties, and the fifth is a statement concerning Plaintiffs dissatisfaction with the "American Justice system" and the pace at which the undersigned works. Doc. 50 at 12. Finally, to the extent the Second Motion contains a memorandum of law as required by Local Rule 3.01(a), it is a reference to the same Supreme Court of Wyoming case concerning sanctions against a *pro se* commercial tenant that the Court found insufficient during its consideration of the First Motion. *Compare* Doc. 48 at 1 *with* Doc. 50 at 2.

As the Court has already explained:

> Rule 60(b)(6) states that a "court may relieve a party . . . from a final judgment . . . [for] any other reason that justifies relief" "[R]elief

> under this clause is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances. The party seeking relief has the burden of showing that absent such relief, an 'extreme' and 'unexpected' hardship will result." *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984) (citations omitted).

Doc. 49 at 1.

The undersigned respectfully recommends that the Court deny the Second Motion for the same reason it denied the First Motion. Namely, "Plaintiff has failed to meet its burden to show extreme and unexpected hardship justifying such extraordinary relief." Doc. 49 at 1. Plaintiff has failed to establish that this action should be reopened because a state court dismissed a case filed by Plaintiff in October 2019; especially where, as here, the state court case named a limited liability company that is not a party to this action. *See* Doc. 50 at 4-7. Nor do Plaintiffs financial difficulties, complaints about the "American Justice system," or single citation to the Wyoming case meet the burden necessary to obtain relief under Rule 60(b)(6).

Finally, while relief under Rule 60(b)(6) does not fall within the one-year limitation applicable to much of Rule 60(b), a motion such as this must be filed "within a reasonable time." Fed.R.Civ.P. 60(c)(1). The Second Motion was filed almost 13 months after this case was closed. And almost all the grounds for relief asserted in the Second Motion were known and available to Plaintiff by at least October 2019. While the

undersigned is not now making a finding that the Second Motion is untimely (primarily because such a finding is unnecessary to resolve the Second Motion, but also because the state appellate courts issued the complained-of rulings in June and July of 2020), the delay in filing the Second Motion is noted to the Court for its consideration.

Accordingly, it is respectfully recommended that the Second Motion (Doc. 50) be **DENIED**.

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Recommended in Orlando, Florida on July 22, 2020.

/s/ Daniel C. Irick
DANIEL C. IRICK
UNITED STATES
MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-13231-CC

MAHESH RAMCHANNDANI,

Plaintiff - Appellant,

versus

SUNIL GAHDHI,
Dr.,
CHIRAG KABRAWALA,
NIKESH SHAH,

Defendants - Appellees.

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

(Filed Mar. 2, 2022)

BEFORE: JORDAN, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

The Petition for Panel Rehearing filed by Appellant Mahesh Ramchanndani is DENIED.
