

No. _____

21-5606

IN THE

SUPREME COURT OF THE UNITED STATES

In re Charlene Rosa

(Your Name)

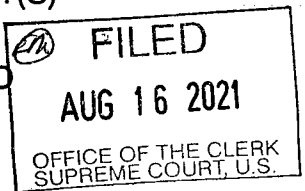
— PETITIONER

vs.

State of Florida

— RESPONDENT(S)

ON PETITION FOR A WRIT OF ~~CERTIORARI~~ *Mandamus* TO



Supreme Court of Florida

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

Mandamus
PETITION FOR WRIT OF ~~CERTIORARI~~

Charlene Rosa 606814

(Your Name)

Lowell Annex, 1170 NW Gainesville Road

(Address)

Ocala, FL 34482

(City, State, Zip Code)

NA

(Phone Number)

QUESTION(S) PRESENTED

1. Whether Mandamus is proper remedy to compel the 17th judicial circuit court to make a decision on Petitioner Pending motions before the court for an unreasonable length of time.
2. Whether to determine the prerequisites for Mandamus relief have been satisfied when none of the three prerequisites such as does plaintiff have clear right to relief sought; does defendant have duty to perform act in question; and is there no other adequate remedy available is missing, ^{or} because Plaintiff allegedly have abused the judicial process of the lower courts such as they have been barred from filing certain actions there.
3. Whether the Florida Supreme Court improperly ^{dismissed} ~~deny~~ Mandamus relief finding that this court generally will not consider the repetitive petitions of persons who have abused the judicial process of the lower courts such that they have been barred from filing certain actions there, contrary to the fact that the three prerequisites for Mandamus relief as been satisfied that establish that the Florida Supreme Court has jurisdiction.
4. Whether Petitioner was Entitled to Mandamus relief where she has established a clear right to relief sought; that the 17th judicial circuit court judge have a non discretionary ministerial duty to make a decision on her motions pending in the court for an unreasonable length of time; and that she have exhaust all avenues and that there is no adequate ^{remedy} ~~remedy~~ available.
5. Whether the Florida Supreme Court accorded procedural due process and, applied the correct Law.
6. Whether the Florida Supreme Court decision on inmate Petition for a writ of mandamus is in conflict with with the decision of the Fifth District Fla. App. 5 Dist. 2018.

~~CONFIDENTIAL~~

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- Charlene Rosa V. State of Florida, No. 05-1441 CF104, 17th Judicial Circuit, judgment entered 08/23/2007.
- Charlene Rosa V. State of Florida, No. 05-14414 CF104, 17th Judicial Circuit, Broward County, Florida. Invalidated 06/20/2007, Judgment entered 08/23/07.
- Charlene Rosa V. State of Florida, No. 06-10827 CF104, 17th Judicial Circuit, Broward County, Florida. Judgment entered July 5, 2007.
- Charlene Rosa V. State of Florida, No. 4007-2778 Fourth District Court of Appeals, Florida. Judgment entered January 27, 2010.
- Charlene Rosa V. State, No. 4016-1943 Fourth District Court of Appeals, Florida. Judgment entered March 2, 2017, and case No. 4016-1510.
- Charlene Terry-Ann Walker Rosa V. Jones, No. 16-62332-Civ- Bloom/White, Judgment entered May 31, 2018.
- Charlene Terry-Ann Walker Rosa V. Jones, No. 18-12339 United States Court of Appeals 11th Circuit, Judgment entered January 07, 2019.
- Charlene Terry-Ann Walker Rosa V. Jones, No. 18-9065 United State Supreme Court, Judgment entered June 24, 2019.
- Rosa V. State, No. SC11-2433, Supreme Court of the State of Florida, Judgment entered, December 27, 2011.
- Rosa V. State No. 4019-1027, No. 4019-2004, No. 4019-2300, 4019-2310, and 4019-2622. Judgment entered September 25, 2019 and October 11, 2019.

Related Cases) Continued

- Rosa V. State NO: 19-5514 Supreme Court of the United States
judgment entered September 30, 2019.
- Rosa V. State NO: 19-10517C United States Court of Appeals 11th Circuit
judgment entered August 23, 2018.
- Rosa V. State NO: 10827 CF104 Fourth District Court of Appeal, Florida.
judgment entered January 27, 2010.
- Rosa V. State NO: 10829 CF104, 14th Judicial Circuit Court. judgment entered ~~11/21/19~~ ^{unknown}
- Rosa V. State NO: 02313A F10A, 17th Judicial Circuit Court. judgment entered ~~11/21/19~~ ^{unknown}
- Rosa V. State NO: A79191073, 17th Judicial Circuit Court. judgment entered ~~11/21/19~~ ^{unknown}
- Rosa V. State NO: 4019-0555, Fourth District Court of Appeals, Florida.
judgment entered April 01, 2019.
- Rosa V. State NO: SC19-1759, Supreme Court of Florida. judgment entered
November 21, 2019.
- Rosa V. State NO: SC19-1839, Supreme Court of Florida, judgment
entered November 21, 2019.
- Rosa V. State NO: 19-7050 Supreme Court of the United States
judgment entered February 24, 2020.
- Rosa V. State NO: 19-SC20-1617 Supreme Court of Florida.
judgment entered March 18, 2021, and December 15, 2020.
~~Supreme Court of FL~~
- Rosa V. State NO: SC21-319 Supreme Court of Florida.
judgment entered March 26, 2021, and March 31, 2021 and April 6, 2021
- Rosa V. State NO: 19-7055 Supreme Court of the United States.
judgment entered January 21, 2020.
- Rosa V. State NO: 19-cv-62335-AS United States District Court.

Related Case(s) continued.

judgment entered October 20, 2020 and April 3rd 2020.

- Rosa V. State no: 20-11480-F United States Court of Appeals 11th Circuit
judgment entered February 10, 2021.

- Rosa V. State No: 20-11256, 20-11480, 20-11786, 20-12243, 19-11516
and, or 19-1159. See judgment entered July 01, 2020 United States Court
of Appeal 11th Circuit.

- ~~XXXXXXXXXXXX~~ 2156-BAH United States district Court.
judgment Issued December 11th 2020.
- ~~XXXXXXXXXXXX~~ 13909 -F United States Court of Appeals 11th Circuit.
judgment entered October 22, 2019.

- Rosa V. ~~State~~ No: 20-13270-F United States Court of Appeal 11th circuit
judgment entered September 17, 2020.

- Rosa V. State No: 20-14284-E United States Court of Appeals 11th Circuit,
judgment entered April 16, 2021

- Rosa V. State no: 20-11256-A United States Court of Appeals 11th Circuit
judgment entered April 29, 2020

- Rosa V. State No: 19-13909 -F United States Court of Appeals 11th Circuit.
judgment entered April 20th October 22, 2019.

- Rosa V. Inch No: 20-60207-CV-Ruiz United States District Court
judgment entered April 14, 2020

- Rosa V. Inch No: 20-CV-60208-WFO United States District Court
judgment entered February 11, 2020. and May 6, 2020.

- Rosa V. State No: 20-10627-A United States Court of Appeals 11th Circuit
judgment entered September 30, 2020.

Related Case(s) continued

- Rosa V. North Broward Bureau no: 18-cv-62447-MGC U.S.D.A. Court
Judgment entered 12/27/2018
- Rosa V. Satz et al no: 18-cv-62422-RMS United States
District Court. Judgment entered 12/21/2018.
- Rosa V. Howard Finkelstein et al no: 20-cv-60091-RKA U.S.D. And
Court. Judgment entered March 19, 2020 and March 24, 2020.
- Rosa V. Howard Finkelstein et al no: 20-11276-AA, United
States Court of Appeals. Judgment entered March 04, 2021, and
February 24, 2021 and December 11, 2020.
- Rosa V. Howard Finkelstein et al no: 20-11276 United States
Supreme Court. Judgment entered Pending.
- Charlene Rosa et al VS. Howard Finkelstein (Broward County
Public Defender), et. al. no: 2017-025724-CA-01 Section
25) (Section judgment entered UNKNOWN).
- Case filed and, or mailed to file in Broward County, Ms. Rosa
had never receive a case number and/or can she locate any
information to prove that the clerk filed her civil liability
complaint against the defendants in this case.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A-0 to the petition and is

- ☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Florida Supreme court appears at Appendix A-0 to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was April 6, 2021.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 USCAS 1361.

Stat. 744

FL. Rule of Judicial Administration 2.050 (f) 2008

First Amendment

Fourth Amendment

Fifth Amendment

Sixth Amendment

Thirteenth Amendment

Fourteenth Amendment

Fla. R. Jud. Administration 20.085 (d) (2008)

Fla. R. Jud. Administration 20.050 (f) (2008)

88 L. Ed. 2d. 963

Fla. App. 5 Dist. 2018

STATEMENT OF THE CASE

On April 6, 2021 The Florida Supreme Court held that Petition for writ of Mandamus case NO: 21-319 Supreme Court case, and LT. case NO: 05014414 CF10A / 04010827 CF10A is hereby dismissed because this court generally will not consider the repetitive petitions of persons who have abused the judicial process of the lower courts such that they have been barred from filing certain action there. See Appendix A.

This resulted from a subsequent action by the 4th DCA on an Appeal in 2019 cases NO: 4D19-2004, 4D19-2300, 4D19-1027, 4D19-2310, 4D19-2622. Ordered that the Clerk of this Court is directed to no longer accept any paper filed by Charlene Rosa unless the document has been reviewed and signed by a Member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.

On the contrary Petitioner Rosa has a number of motions pending in the 17th judicial circuit court for an unreasonable length of time as follows:

- 1). Motion to Correct Illegal Sentence Pursuant to Fla. B. crim. P. 3800(a) mailed May 24, 2017, filed by the clerk of court 05/30/2017 (Email JA 5/31/17). and;
- 2). Motion To Supplement and Amend 3.850 and 3.800 Motion For Post conviction Relief Argument To Vindicate her Federal Claims in the State Court on Voluntariness mailed August 03, 2017, filed by the clerk of court on 08/07/2017, (Email JA 8/23/17). and;

Statement of the case Continued.

3. Amended to Supplement Motion for Post Conviction Relief Argument to Vindicate her Federal Claims in the State Court on Voluntariness mailed April 20, 2017 filed by the clerk 05/01/2017.

Petitioner Rosa contends that these motions filed approximately two years prior to the 4th DCA enter Sanction on her and prior to her filing numerous motions, had the 17th Judicial Circuit Court made a decision on these pending motions that is Meritorious and is pending in the Court for an unreasonable length of time she would have obtained the relief to which she seeks and is entitled and not have to file repeated motions that the courts found to be time barred because the 17th Judicial Circuit Court failed to make a decision on claim of Voluntariness of Counsel's action to concede Petitioner guilt without her consent, regardless of her protest that she is not in agreement with him, and her request for a reasonable investigation on critical evidence that would have acquitted her. The question is whether the Florida Supreme Court abuse its discretion in relying on the 4th DCA action on Pleading Contrary to remedy to Mandamus in dismissing her Petition for a writ of Mandamus which she have a clear right to relief sought, the 17th Judicial Circuit have a non discretionary duty to make a decision on pending claims in the Court for an unreasonable length of time and that hampered and, or prevented her from succeed in the Federal Court on her Petition for a writ of habeas Corpus on her Constitutional claims on Voluntariness. there is no other remedy available to Petitioner and the 4th DCA record show that the Court entered Sanction on related case just to make this case go away because Petitioner has demonstrated that there has been a violation of clearly established principle of Law resulted in a miscarriage of justice. - Progressive Select Inc. Co. v. Florida Hosp. Medical Center, 236 So. 3d 1183. Absent the Sanction the 4th DCA would have to concede error on the part of the Court when Affirmed conviction and Sentence

Statement of the case continued.

in 2000^{cyh} although the Trial Court error was plain error on the face of the appellate record and; for the 17th Judicial Circuit Court to make a final decision on pending claims in the Court on Voluntariness is to concede that Petitioner is entitled to relief sought therefore, the 17th Judicial Circuit Court abuse its judicial power and act contrary to law by failing to make a final decision on pending motions in the Court in 2017 Approximately Four Long years.

4. Further Pending Motion in the 17th Judicial Circuit Court for an unreasonable length of time is Motion for Rehearing on Motion for Integrity review. On 11/20/20 in response to Petitioner Rosa Notice of Inquiry, the clerk of the Court advised her that the Court is awaiting the State response within 90 days still no response as yet in case no: 03014414 CF10A / no: 04-10827 CF10A an unreasonable length of time has elapsed and there is still no response. She filed further notice of Inquiry still no response.
5. also on 08/03/2017, filing # 59928307, case no: ~~04-10827 CF10A~~ The State attorney office of the 17th Judicial Circuit Court filed notice pursuant to Rule 3. 220(b)(4) and concedes that the Inappropriate use of the DNA Evidence during criminal trial in this case may fall within the purview of Brady v. Maryland and that Petitioner may be entitled to relief ~~and~~ further action was taken where life and liberty is at stake, and)
6. Likewise on July 5, 2007 the 17th Judicial Circuit Court entered judgment on case no: 04-10827 CF10A, however, a trial by record show that the Evidence introduced, and the crimes to which Petitioner was tried show case no: 03-14414 CF10A. therefore, there exist a clerical misprision

Statement of the Case continued

Necessary to correct the judgment and sentence from Case No: 04-10827 CF10A To Case No: 05-14414 CF10A that the record show that the Verdict relied.

1. Under these fact Petitioner have a clear right to have the 17th Judicial Circuit Court make a final decision on all the foregoing motions pending before the court for an unreasonable length of time and;
2. The 17th Judicial Circuit Court have a nondiscretionary Judicial Ministerial duty to make a decision on the pending motions before the court regardless of whether the 4th DCA enter Sanction direct the clerk to no longer accept any paper filed by the Petitioner Mosa unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.
Petitioner Mosa contends that these motions are pending in the 17th Judicial Circuit Court in an unreasonable time long before the alleged sanction entered by the Fourth District Court of Appeals, and she is indigent and cannot afford an attorney to assist her in filing Mandamus to compel the 17th Judicial Circuit Court to perform duty owed to Petitioner Mosa. Tagupa v. East-West Center Inc. 642 F.2d 1127 (9th Cir. 1980). and;
3. Petitioner Mosa has exhausted all Avenue and there is no other remedy available. Mandamus relief is available to compel an officer of the United States to perform duty owed Plaintiff where
7.

Statement of the case continued

Plaintiff claim is clear and certain and duty of officer is ministerial and so plainly prescribed as to be free from doubt. *Taguap v. East-West Center Inc*, 642 F. 2d 1127 (9th Cir 1980).

Since Petitioner Rosa demonstrates that her pending claims are meritorious and she satisfied the three prerequisites for Mandamus relief the Florida Supreme Court should have exercised jurisdiction over its claim, because it is not whether Petitioner is alleged to have abused the lower court such as they have been barred from filing certain action on failure to demonstrate entitlement to this form of Extraordinary relief. *Alhus v. Dept. of Homeland Sec.*, 328 F. 3d 383 (Fla. Cir. 2003).

Petitioner Rosa contends that the 4th DCA order barring her from filing Pro-se Appeals was over broad. *Sapp v. State*, 2018 WL 11536 (Fla. 5th Dist 2018). Further, Fla. App. 5 Dist. 2018 held: Mandamus lies to compel a trial court to rule on a motion or petition within a reasonable time. *Hornor v. State*, 736 So. 2d 1177, and that where inmate's motion for post conviction relief was pending for over two years, mandamus would issue to require circuit judge to enter final order on motion within 45 days. Fla. R. Crim. P. 3.850 - *Hornor v. State*, 736 So. 3d 1177.

Relying on the foregoing demonstrates that the Florida Supreme Court decision is in direct conflict with the decision of the 5th District 2018 on a Fla. R. Crim. P. 3.850 - *Hornor v. State*, 736 So. 3d 1177.

because of the 14th judicial circuit refusal to make a final decision on the 2017 motions under rule 3.850 on Voluntary Petitioner lost her claim in Federal Court 2019.

REASONS FOR GRANTING THE PETITION

Florida Supreme Court abuse its discretion in dismissed Petition for a writ of Mandamus, ~~Contrary~~^{to} Florida Rule of Judicial Administration 2.050 (c) (2008), that indicates that every judge has a Ministerial duty to rule upon and announce his/her order or judgment on every matter submitted to his/her within a reasonable amount of time. As a standard, (60) sixty days has been established as a presumptively reasonable time for circuit courts acting as appellate courts; Fla. R. Jud. Administration 26.085 (d) (2008).

Fla. Supreme Court action denied Petitioner Rosa of any hope to have the 17th Judicial Circuit Court compelled to perform its non discretionary duty to make a final decision on pending claims unless this honorable United States Supreme Court exercise of this Court discretionary power, adequate relief cannot be obtained in any other form or form any other Court.

The related cases show that all lower courts abuses their discretions in this case and acted contrary to law, and that Petitioner Rosa cannot obtain a Fair and Equal Protection under the law although she has establish a clear right to relief sought. eg. A writ of Mandamus show that the respondents are acting contrary to law, abusing their discretion in this case outside the limit of fair permissible discretion, and when officials conduct extends beyond any rational exercise of discretion, even though it is within letter of authority granted, Mandamus offered appropriate judicial relief. *W.A.A. C.P. v. Levi*, 418 F. Supp. 1109 (D.D.C. 1976). yet the consecutive respondents abuse their limited discretions and also acted contrary to law in this case, establish that remedy is non existence in lower court. U.S. Const. Amend. 1.

Reason For Granting the Petition continued

Unless claim is so frivolous that it fails Bell V. Hood test district court has jurisdiction under 28 U.S.C. 1361 to determine whether prerequisites for Mandamus relief have been satisfied: Specifically, does plaintiff have clear right to relief sought? does defendant have duty to perform act in question? and is there no other adequate remedy available;

Conclusion that any one of those prerequisites is missing should lead district court to deny petition, not because plaintiff has failed to demonstrate entitlement to this form of Extraordinary relief. Ahmed. V. Dep't of Homeland Sec, 328 F.3d (4th Cir. 2003).

Contrary to the district court action case no: 20-cv-61478-HWS on 07/26/2021 construed Petitioner Mosa Petition for a Writ of Mandamus as a Petition for a Writ of Habeas Corpus and dismissed as successive Lack of Jurisdiction ~~See~~ Appendix E and;

district court case no: 21-cv-61441-WPD Petitioner Mosa motion requesting the court to issue a WUNC Pro Tunc order to correct the clerical mispicion on the judgment and sentence case no: 05-14414 CF10A / no: 04-10827 CF10A the district court Administratively close case and held that case opened in error. See Appendix F. Show that there is no adequate relief in any other court or any other form.

Petitioner Mosa sought relief in this United States Supreme Court from the State Court final order, rather than the Federal district Court final order because she is a State Court prisoner

Reason for Granting Petition Continued

and she discover through diligent study a Catch 22, where this honorable United States Supreme Court held that; Construction and Application of Pre AEDPA Version of 28 U.S.C. § 2254(d) provides that in federal habeas corpus proceedings, state Courts factual determinations must be presumed to be correct. 88 L. Ed. 2d, 963.

In petitioner Rosa case the federal district court and United States Court of Appeals has been misinterpreted this statute in their decision in this case and construed every Petition that Rosa filed as a successive petition for a writ of habeas corpus. Rosa asserts that had she found this United States Supreme Court rule prior to filing her original Petition for a writ of habeas corpus in the district court case no. 16-cv-62332-RB she may not have filed it nor any further pleadings in the federal district court because remedy is non existence and she went on a meaningless charade, where the federal Court entertained her pleadings only to labeled her a prolific filer in both state and federal courts.

Petitioner Rosa contends that she is entirely innocent of the murder of her former employer, she have no involvement, and she do not know who killed or would want to kill Mrs. Salzman, and Constitutional Violation of her individual rights and Interest Vitiates the entire jury trial proceeding, she did not receive a fair trial nor treated Equal, and her present Confinement violates her 1st and 13th Amendment rights. her life and liberty and property is at stake. U.S. Const. Amend. 1, 4, 5, 6, 13, and 14.

Petitioner Rosa contends that the Florida Supreme Court decision is contrary to Florida Rule of Judicial Administration

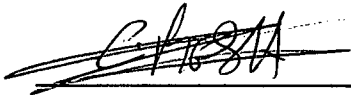
20.0504 2008, that indicates that every judge has a ministerial duty to rule upon and announce his or her order or judgment on every matter submitted to him/her within a reasonable time; and further contrary Bell V. Hood Test under 28 U.S.C. § 1361 to determine whether prerequisite for mandamus relief have been satisfied: specifically, does plaintiff have clear right to relief sought; does defendant have duty to perform act in question; and is there no other remedy adequate remedy available. *Yip V. Federal Bureau of Prisons*, 363 F. Supp. 2d 548 (E.D.N.Y. 2005). show that the writ will be in aid of this court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the court's discretionary powers for the interest of justice, and that adequate relief cannot be obtained in any other form or from any other court. Justice seems to be a farce in this case.

CONCLUSION

For all of the foregoing reasons, the judgment of the Florida Supreme Court should be reversed and remanded for further proceedings on the merits, and, or consistent with this court's decision.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: August 16, 2021