

22-5903
In The

Supreme Court Of The United States

L POWERS,
Petitioner,

v.

UNITED STATES POST OFFICE

Respondents.

Supreme Court, U.S.

FILED

OCT 15 2022

OFFICE OF THE CLERK

On Petition For Writ Of Certiorari

From The United States Court of Appeals for the Eleventh Circuit

To The United States Supreme Court

PETITION FOR A WRIT OF CERTIORARI

L Powers, Pro Se
Gen. Del. 5927 SW 70th St, South Miami, FL 33143
vidaspice@yahoo.com
(786) 339-6335

QUESTIONS PRESENTED

1. Was the appearance of dismissing *Petitioner's* in forma pauperis applications an abuse of judicial powers & law?

-I filed three in form pauperis applications. It definitely was accepted in the district court. They switched this (and other) facts.

-So much for equal rights under the law.

2. In the Interests of Justice and Public Morale, was it appropriate for Courts to deny an in forma pauperis application with declaration of applicant's inability to pay court application fee?

3. Forget Civil Rights, for a moment. Was it appropriate for the Courts to not judge a Poor Person's Indigency Application?

4. *Was denying Petitioner's In Forma Pauperis Applications correct by U.S. law?*

5. Shall we send the wrong message to the public that Courts *do not honor in forma pauperis applications?*

-I filed three waived fee applications, gave the requested bank account information, and stated that the United States Supreme Court honored my indigent status with proof in case numbers.

PARTIES TO THE PROCEEDING

Petitioner L POWERS was plaintiff in Southern District Of Florida Court & appellant in the United States Court of Appeals for the Eleventh Judicial Circuit in Georgia.

Respondent Louis DeJoy was respondent & appellant in same: Southern District Of Florida Court & United States Court of Appeals for the Eleventh Judicial Circuit in Georgia.

STATEMENT OF RELATED CASES

Southern District Of Florida, No-1:21-cv-24022 DG, L Powers vs
United States Post Office, Miami, Florida. Judgment 12/30/2021.

Southern District Of Florida, No-1:22-cv-20188 DG, L Powers vs
United States Post Office, Miami, Florida. Judgment 01/24/2022.

United States Court of Appeals for the Eleventh Judicial Circuit, No-22-10580-J, L Powers vs United States Post Office, Atlanta, Georgia.
Judgment Entered 07/18/2022.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING	ii
STATEMENT OF RELATED CASES	iii
TABLE OF CONTENTS	iv
INDEX TO APPENDICES	v
TABLE OF AUTHORITIES	vi
OPINIONS BELOW & JURISDICTION	1
STATUTES - CONSTITUTIONAL PROVISIONS...	1
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE PETITION	8
CONCLUSION	15
CERTIFICATE OF SERVICE	16

TABLE OF AUTHORITIES

	Page
- <u>Federal Tort Claims Act (1946)</u>	pg 2, 9
- <u>McNally v. United States</u> , 483 U.S. 350 (1987) Case No. 86-234	pg 4
- <u>Steffler v. United States</u> , 319 U.S. 38 (1943) pg. 40	pg 4
- <u>Coppedge v. United States</u> , 369 U.S. 438 (1962)	pg 5
- <u>Rule 24: Florida Rule of Appellate Procedure</u>	pg 6, 9
- <u>Rule 10: U.S. Supreme Court Compelling Reasons Grant Cert</u>	pg 6, 10
- <u>Adkins v. E. I. DuPont de Nemours & Co., Inc.</u> , 335 U.S. 331 (1948) p7	
- <u>Hoey v. McCarthy</u> , 124 Sup. Crt. Ind. 464 (1890) No. 15,541	pg 7
- <u>Richards v. United States</u> , 369 U.S. 1, 6 (1962)	pg 8
- <u>Cox v. Burke</u> , District Court of Appeal of Florida, Fifth District, No. 96-2835, (1998). <u>Re: Fraud On The Court</u>	pg 9

OPINIONS BELOW

No Opinion Published To The Best Of My Knowledge

JURISDICTION

- Georgia 11th Judicial Circuit Denied Review on July 18, 2022.
- Jurisdiction Invoked under Rule 28 U. S. C. § 1257(a).
- the petition is filed under this Court's Rule 11.

STATUTES AND CONSTITUTIONAL PROVISIONS

- 39 U. S. C. §409(c) pg 2
- Amendments I & XIV U.S. Constitution .pg 2, 9
- Florida Statute 57.081pg 3, 8
- 18 U.S. Code §1709 pg 3
- Fed. Mail Statute 18 U.S.C. §1341 pg 4
- Fla. Code Of Judicial Conduct, Canon 3 pg 9
- Fla. Code Of Judicial Conduct, Canons1&2.pg10
- 18 U.S.C. §1031(a).Major Fraud Against U.S. pg10
- 18 U.S.C. §1622. Subornation of Perjury ... pg 10
- 14 Amendment pg 12

STATEMENT OF CASE

I sued the U.S.P.S. for years of ongoing mail theft and tampering of my court documents, which never arrived or arrived months past when sent and more--while Judges Who Said Suing the U.S. was NOT allowed and No Fraud Existed Easily Denied Me IFP and Switched Out Orders Granting My IFP Applications. I was judged as a prisoner, which I technically am not, and told I failed to do a litany of things which never was told to me during the case. The Courts failed the law actually & people. They acted to protect themselves, not the people's interest. The **U.S. SUPREME COURT** per The **Federal Tort Claims Act (FTCA)** allows postal workers to be liable under "tort claims arising out of [Negligent Postal Service] activities 39 U. S. C. §409(c)", so my claim is not frivolous and what they & Courts did to me was malicious. *FTCA waives sovereign immunity* in cases involving negligence committed by federal employees in the course of their employment, making the United States liable "in the same manner to the same extent as a private individual under like circumstances". Judges Ignored Financial Facts, e.g., denied me in forma pauperis (IFP), against **Amendments I, XIV, Evidence, Affidavits, Declarations**. My IFP was brought in **Good-Faith**.

STATEMENT OF CASE-cont'd

Magistrates Steered Cases/didn't allot time flesh out. BIASED. So, in **Good-Faith**, I started the case anew in *same* Second District Court With Suggestions *from the first case*.

Respondents had no-way to get rid of the Ugly Truths of mail fraud, case document altering & having 2 Judges on the Georgia panel who unlawfully took my home & liberty for personal enrichment, so they attacked my financial inability to pay contra Florida Statute 57.081 (1):

“Any indigent person ... who is a party ... in any judicial proceeding ... who initiates such proceeding shall receive the services of the courts, ... despite ... her present inability to pay ...”

Courts used mail fraud to prevent me from going to hearings and, or defending my valid case & jurisdiction contra 18 U.S.C. §1709: “Whoever, being a Postal Service ... employee, embezzles any letter ... mail ... therein entrusted to him or which comes into his possession intended to be conveyed by mail ... delivered by any carrier ... or steals ... removes from any such letter, package ... shall be fined ... or imprisoned ... **or both.”**

STATEMENT OF CASE-cont'd

Instead of being interested in facts, Judges clearly ignored them to protect their conflicts-of-interest. The United States Supreme Court had inside job draft opinion theft too, so how am I crazy? Fraud & bad apples exist. The Federal Mail Fraud Statute 18 U.S.C. §1341 prohibits use of mail by "any scheme ... to defraud [Court Justice or Postal Customers]... by means of false ... pretenses": McNally v. United States, (1987). Post Offices constantly stole my checks, court documents, boxes and more to help court allies defeat justice at large. To date, delivery schemes persist and no one in the Courts helped. They judged me per criminal law, when they acted malicious and above the law and endangered me & the people.

Post Office #1 in Zipcode 33139 from COVID 2020-2021:

My "General Delivery" Status for Indigents at 33139 Post Office was telling of my situation (having to pick up mail from P.O.). All Courts Denied My IFP Applications Knowing This contra Steffler v. United States, (1943): Poor person entitled to prosecute an appeal from District Court to Circuit Court of Appeals is authorized by the *in forma pauperis* statute to apply to District Court for leave to appeal IFP and it

STATEMENT OF CASE-cont'd

is the duty of the District Court to entertain the application.

33139 Post Office Altered & Delayed Mail for Months with Added Red Stamp on Already Stamped Envelope in a DEO Case (Hurting Case Rendition Date). Only by August, 2022 did I understand fully how they did this mess of a trick. Likewise, Appeals Court Delayed Decision 2022 To Judge IFP App., and only after I called SCOTUS to proceed without Order, then Order saying I failed to pay appeared and my IFP app. went m.i.a.. Coppedge v. United States, (1962) puts Burden on Government re: criminal appeals lacking merit vs. WE, who live paycheck to paycheck, need caselaw to force Courts to serve the noncriminal public per statute.

Meanwhile, was NOT GIVEN Checks, Federal Mail, Court Docs., a SCOTUS BOX of 11-Certs, and What Else? Miami-Dade Bonded Me & Re-issued Checks—like United Way Covid Check. Just a Few examples!

Post Office #2 in Zipcode 33154 from 2021-2022:

Transferred 33154 Post Office where inside jobs with Courts Unconstitutionally ensued more. CourtDockets Re-Arranged after Hand-Delivering IFP Apps. to Ft. Lauderdale & West Palm Beach

Appendix D
88

STATEMENT OF CASE-cont'd

Counties, Outside Miami, To Protect My Docs.. Courts, 3 Counties, underwent Suspicious Network Cleaning after Switched Out Docs.

Meanwhile, Fraud Cost me employment, impaired nutrition, same soiled clothes, stress, deeper homelessness. Repeatedly Stole Same Re-Sent Checks 3-4 Times, Another 11 SCOTUS Certs (which Took 4-to-7 Months to Track & Never Given SCOTUS LETTERS (re: Rule 44) & Court Orders. A Paid USPS Tallahassee, FL Postal Carrier Didn't Deliver "Certified" Mail. Judge Gayles Switched Original, 5-Page, Beautiful, 'Opinionated' Order On Treating Pro Ses Well, like Judge Scola. Travis, Debra, Others Disgraced Gov't Mail. Debra Prematurely Aided Fraudulent Condo Transfer 2017 promoted 33154.

Post Office #3 in Zipcode 33143 from 2022 to Date:

Transferred 33143 Post Office May 02, 2022. Same.

Three (3) Courts Unlawfully United to Deny IFP contra Rules 24 and 10, which happens Nationwide: [The Court] "has so far departed from the accepted and usual course of judicial proceedings ... as to call for an exercise of this Court's supervisory power." Knowing & fighting for

STATEMENT OF CASE-cont'd

the truth & law threatens those in Government treating us like criminals and the enemy, hence Altering My Docket and Switching Out Their Original Order(s), while they are a National Threat To Justice and the Judicial System depriving INNOCENT BRAVE PEOPLE of IFP law and case resolution using the abundance of Prisoner Case Law to justify how they use their brain to cover-up criminal activity/fraud on the court. Non-prisoners living paycheck to paycheck have the statute and precedent in Adkins v. E. I. DuPont de Nemours & Co., Inc., (1948) and Hoey v. McCarthy, (1890) being ignored. We need to iron clad it for non-prisoners.

Meanwhile: Court Mail Delivered Past+Close To-Deadlines, if at all. Initiated Court Case from Outside Mailbox Never Arrived. Lost "Certified" Box + SCOTUS LETTERS—ON CAMERA!!! They "act" friendly. I'm in a psychological - material bind causing stress for years on top of being Unlawfully Denied IFP Forcing Me To Remain In A Warped Situation No One Should Be In.

I GO TO COURT AND GET ATTACKED FOR YEARS AS ATTEMPTS TO KILL ME OFF. I AM NOT THEIR ONLY VICTIM.

REASONS FOR GRANTING THE PETITION

TO PROTECT I.F.P. LAW + STATUTES:

1. An affidavit should suffice! I did that!
2. In Forma Pauperis Status in another court should suffice! HAD U.S. Supreme Court & Three Miami, FL Courts IFPs Ignored!
3. Richards v. United States, 369 U.S. 1,6 (1962): Judge opined that sovereign immunity is an *affirmative defense* personal to the sovereign to which it bears the burden. It is limited for claims of negligence or wrongdoing, like denying court access to justice.
4. Florida courts have always allowed suit to enforce challenges to constitutionality of statutes, like Florida Statute 57.081 (1).
5. U.S.P.S. & Board of 11 Secured \$57 Billion Government Dollars and Courts Intentionally 'Erred' in Protecting P.O. One-Sidedly, Wrongly *Dismissing Case By Denying Valid IFP.* What about Protecting the Constitutional & Civil Right of the Poor Being Allowed to Have A Trial? Bringing a Case I.F.P.
6. Rule 24, Not accepting application of indigency is a Fed-Crime.

REASONS FOR GRANTING THE PETITION

7. *Not allowed to have a case*, per court dismissing a valid in forma pauperis application as non-existent, *endangers the court system and people* per Cox v. Burke, District Court of Appeal of Florida, Fifth District, No. 96-2835, (1998).
8. Appearance of the court neglecting my indigency applications, intentionally, makes my claims on the merits look credible!
9. Re-claim Amendments I & XIV.
10. Protect Canon 3: “a Judge Shall Perform Duties of Judicial Office Impartially and Diligently.”
11. Court Staff thwarted my financial application, and P.O. Staff Caused *Me* Traumatic, Stressful, Time & Energy Damaging Experiences of NOT Getting Letters--Food Stamps, Voting, Housing, Courts, Checks, SCOTUS.
12. FTCA (1946) is a mechanism to compensate victims of *government wrongdoing* and “deter tortious conduct by federal personnel” by rendering the *U.S. liable* for the *torts of its agents ...*”

REASONS FOR GRANTING THE PETITION

13. Schemes and Dishonest Conduct (e.g. Denying Valid IFP Applications) Caused Ongoing Suffering, Undue Stress & Hardships For Personal Enrichment, *against Canons 1 & 2*.
14. Courts Gross Indiscretions On Intentionally Denying I.F.P. Applications Is Rule 10 Worthy!
15. Post Office Staff *worked with Courts* to Uphold Bad-Faith Orders. Respondents et al. knew better, *against 18 U.S.C. §1622 & §1031(a)*: “Whoever knowingly executes, or attempts to execute, any scheme ... intent to defraud the United States ...”.
16. (Miami) Southern District Judge Gayle et al. Switched-Out A Previous Order To Deny My Granted I.F.P. Application!
17. Courts Conflict-Of-Interest: Georgia 11th Jud. Cir. Have TWO Judges Luck & Lagoa from 3DCA Miami, FL, who took part in my fraudulent condo transfer, *in addition to this I.F.P. Hoax*.
18. Like Courts Wrongly Denied Me FLORIDA HOMESTEAD LAW, they denied me IFP by ALTERING FACTS in Judgments.
19. Courts Supposed To Back Truthful Facts!

REASONS FOR GRANTING THE PETITION

20. Is there JUSTICE in Denying Valid I.F.P. applications?
21. *Integrity of American Courts here* Warrant a Review.
22. Federal Appellate Intentionally Ignored IFP Against Law.
23. Court Was Not Appropriate to Delay & Deny My I.F.P. App.
24. I Am Eligible for I.F.P; hence, why I Filed.
25. It blatantly was NOT appropriate for Courts to NOT judge the issue of a Poor Person's Need to Bring A Case.
26. How will this Unconstitutionality of Statute and Law Stop, if

YOU DONT STOP IT?!?!
27. ONLY Because I called SCOTUS on how to proceed with a
writ of certiorari, Federal Appellate immediately issued the final
order well past 30 days. *Lacking Discretion is too polite.*
28. *The Public's Judicial Interests* are being Abused.
29. Some Courts Are Endangering Laws (And People) by abusing
their power & elected privileges by preventing cases from being
brought (to be heard) by Denying IFP Applications.

REASONS FOR GRANTING THE PETITION

30. I had IFP! They unlawfully removed and denied it.
31. How did Judge Gayles' case last so long with so-many back-n-forth replies w/o IFP, if they are telling the truth? And the prior case spoke at length for Respondents (who *never* replied, aside)?
32. I saw Judge Gayles husband leave a court area for 'employees only'. A summons & indigency papers were misplaced ever since.
33. Judge Gayles did switch Orders because I briefly read the original, was very different!

34. Gay postal employee Travis told me I would not receive mail. Not frivolous. SCOTUS had stolen draft.
35. Respondents et al. Shifted Mail Fraud, Doc. Tampering, Other Federal Crimes by *Seizing My IFP Application*.
36. Florida Supreme Court Called Me "Insolvent" on another case (condo), where I had NO Mortgage, but they say I did as well.
37. Georgia Appeals Court stated I "failed" to pay court fees, when they failed to uphold due process, 14th Amendment.
38. NO ONE DESERVES POOR CONDUCT by Judges.

REASONS FOR GRANTING THE PETITION

39. Tort Claims Act: Congress enacted this rule requiring Federal Courts, in *Multistate Tort Actions*, to look in the first instance to the State Law where the Acts of Negligence took place. Pp. 6-10. Appeals Court Did Not. Conflict-Of-Interest with 2 Judges Who In part Unlawfully Took My Home via Mail Fraud.

40. Courts Intentional Tort, Engagement in Wanton + Willful Misconduct, Oppression, Fraud On The Court + Malice Warrant Punitive Damages of 10 Billion Dollars.

41. Federal District Court and Court of Appeals for Eleventh Jud. Cir. *Intentionally Denied IFP*, when it was Granted for Yrs

42. Courts behaved *vindictively* on their own freewill, not at all according to any law in ANY country.

43. I Am Wrongly Homeless due to Mail Fraud & Fake Court Orders + Judgements, e.g., Denying Me IFP Against U.S. Law!

44. Postal Workers Targeted/Target My Mail Creating Ongoing Traumatic Experiences, Emotional, Psychological, and Physical Turmoil Causing This Legal Fight About Simple Rights.

REASONS FOR GRANTING THE PETITION

45. Respondents did hear my many tracking complaints.
46. Grant Pro Ses E-Filing Access in 21st Century!
47. Ban Pro Ses ONE Look Print Rule. Pro Ses Deserve = Tech.
Prevent Snail Mail Hardships!
48. REPLACE PACER; it's Archaic, Wordy, Not Friendly, Horrib.

CONCLUSION

Petitioner picks-up her mail at the post office because she is *Homeless*, so Denial of IFP Is Erroneous. And Petitioner is on Record in *Many Courts* as having IFP. Courts Failed and acted Above The Law.

Post offices stole and delayed Petitioner's mail: court documents, checks, boxes. They did this also in my condo's fraudulent transfer case. Petitioner's case isn't frivolous and if honesty is malicious ... the alternative is to keep quiet. Respondent et als. intentions & actions are (fill in the blank.)

Courts Can Unlawfully Deny validly poor people living paycheck to paycheck court access Too Easily. IFP Judicial Abuse Must End! Poor Americans Are Entitled To Court Access, as you will not deny, but Some Courts Have A Hidden Agenda with Unclean Hands.

My Certiorari Fights For The Mere Entitlement To File IFP Applications with Declaration That Should Legally Be Instantly Granted If A Person Makes Under A Certain Amount Of Money.

Courts Removed My IFP Affidavit because they could get away with it. I appealed and Judge Gayles switched orders denying IFP.