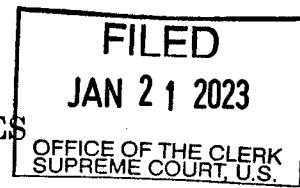


22-7140

No. _____

ORIGINAL
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



George Cerron—PETITIONER

vs.

Personal Investment Inc.—RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SECOND DISTRICT COURT OF APPEAL (CASE 2D20-3160)

AND FLORIDA SUPREME COURT CASE NO.: SC22-1440

MANATEE CIVIL COURT CASE NO.: 2017CA004797

PETITION FOR WRIT OF CERTIORARI

George Cerron
7727 Heyward Circle
Bradenton, Florida, 34201

I. Questions Presented

Taking into account that the nonfinal order issued by the lower civil court in case 2017CA004797 is an order that denied the Defendants' Motion to Disqualify the Plaintiff's Counsel and that Florida Appellate Rule 9.130(a)(3)(E) allows a nonfinal appeal from an order that denied a motion to disqualify counsel, please answer the following questions:

- 1. Does a nonfinal appeal, which was rightfully admitted under Fla. R. App. P. 9.130(a)(3)(E), qualify to be dismissed by the court, claiming it is dismissed as being from a nonappealable nonfinal order pursuant to Fla. R. App. P. 9.130(a)(3)(E)?**
- 2. Does the dismissal of the nonfinal appeal Case 2D20-3160, which was produced by the misinterpretation and misapplication of Fla. R. App. P. 9.130(a)(3)(E), rob the Appellants, who are US citizens, of their constitutionally guaranteed rights to due process and equal protection under the laws?**
- 3- Does the unjustifiable dismissal of the nonfinal appeal case 2D20-3160 without a written opinion purporting the correct application of Fla. R. App. P. 9.130(a)(3)(E), which created a great controversy in the interpretation and application of that law and resulted in an issue of public importance, constitute a violation of the Appellants' rights to due**

**process of law and equal protection of the laws guaranteed by the
Fourteenth Amendment, Section 1 of the United States Constitution?**

Please see "Fourteenth Amendment, Section 1":

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

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Cases

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Florida Rules of Appellate Procedure Rule 9.130. Proceedings to Review Nonfinal Orders and Specified Final Orders Rule 9.130(a)(3)(E).....Pg. 2, 8, 10, 11, 12, 13, 14, 16.

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United States Constitution, Amendment XIV Section 1.....Pg. 3, 8, 15, 17.

OTHERS

IV. Petition for Writ Of Certiorari

The petitioner respectfully pray that a writ of certiorari be issued to review the judgment below.

V. Opinions Below

The date on which the highest state court (the Supreme Court of Florida, in Case No. SC22-1440) decided my case was October 27, 2022, and the date on which the state court of the Second District Court of Appeal, Case No. 2D20-3160, decided my case was November 2, 2022. A copy of all pertinent decisions appears at appendices "A", "B", "C", and "D" including the order from the lower civil court and the Florida Supreme Court's order entered on October 27, 2022 that stated: "No motion for rehearing or reinstatement will be entertained by the Court"

VI. Jurisdiction

See above for a detailed explanation of the following court's decision dates: October 27, 2022, and November 2, 2022. The jurisdiction of the U.S. Supreme Court is invoked under 28 U. S. C. §1257(a).

LIST OF PARTIES

George Cerron—PETITIONER vs. Personal Investment Inc.—
RESPONDENT(S).

VII. Constitutional and Statutory Provisions Involved

It is well established that the law of the land governs the United States' principles of law, liberty, democracy, and social life. Such a higher and more sacred law of the land is the Constitution of the United States. In this instant Petition for Writ of Certiorari, the petitioner submits the following constitutional and statutory provisions that are involved in this petition:

A- **Fourteenth Amendment, Section 1:** "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

B- **Florida Rules of Appellate Procedure Rule 9.130. Proceedings to Review Nonfinal Orders and Specified Final Orders Rule 9.130(a)(3)(E):**

"(a) Applicability. (3) Appeals to the district courts of appeal of nonfinal orders are limited to those that: (E) grant or deny a motion to disqualify counsel."

C- **The core requirements of procedural due process are "notice" and a "hearing" before an impartial tribunal.** When the Constitution requires a hearing, it requires a fair one, held before a tribunal that meets currently

prevailing standards of impartiality. A party must be given an opportunity not only to present evidence, but also to know the claims of the opposing party and to respond to them.

VIII. Statement of the Case

This petition for writ of certiorari, which is seeking the U.S. Supreme Court's review, is based on an unlawful dismissal of the case 2D20-3160 that took place in the Second District Court of Appeal in Lakeland in the State of Florida, which was reviewing a nonfinal appeal from the foreclosure case 2017CA004797 that originated in the Manatee Civil Court in Bradenton, Florida. This petition for a writ of certiorari also submits the order from the Supreme Court of Florida, Case No. SC22-1440, issued on October 27, 2022. Please see Appendix: "A" pg. 26, 27, "B" pg.28, 29, 30, 31, 32, "C" pg. 33, "D", pg. 34.

1. The misapplication of Fla. R. App. P. 9.130(a)(3)(E),

The petitioner George Cerron, who are the appellant in the case 2D20-3160 in the Second District Court of Appeals and the defendant in the Manatee Civil Court case 2017CA004797, claim that the Appellate Court has unjustifiably dismissed the non-final appeal case 2D20-3160. As the attached record shows, it is undeniable that the Appellate Court committed a clear misapplication of Florida Appellate Rule 9.130, "Proceedings to Review Nonfinal Orders and Specified Final Orders," more specifically **Fla. R. App. P. 9.130(a)(3)(E)**, which unambiguously expresses that such a rule has been established for a nonfinal order that "grant or deny a motion to disqualify counsel." In other words, **Fla. R. App. P. 9.130(a)(3)(E)**,

allows a nonfinal appeal based on an order denying the disqualification of counsel. Here, the record attached herein shows that the lower tribunal order in Case 2017CA004797 clearly states in paragraph five that it denied the Defendants' Motion to Disqualify the Plaintiff's Counsel; see Appendix "B" pg. 28, 29, also, the notice of appeal clearly specified that the nonfinal appeal is allowed by Rule 9.130; see Appendix "B" pg. 31, 32, and, more importantly, the order from the Second District Court of Appeal rightfully stated that the nonfinal appeal is admitted as a permitted appeal under Rule 9.130, and it provides the new case number of 2D20-3160 and directs the Appellants to pay the fees and file the Initial Brief. Please see the exhibits in the Appendix "E" pg.35, "F" pg.36, and "G" pg. 37.

2. Direct appeal.

The pro se appellants in case 2D20-3160 filed a well-redacted initial brief, including arguments for the disqualification of counsel and a discovery hearing. However, a new hired counsel for the Appellants took over the case and asked permission to amend the pro se Appellants' initial brief. The new counsel's amended initial brief was mostly focused on the issue of a discovery hearing to review the disqualification of counsel. After almost two years of litigation, the Appellate Court dismissed the nonfinal appeal case 2D20-3160 without a formal written opinion, however, it wrote a formal order and stated in the case's docket record the following: "This appeal is dismissed as from a nonappealable nonfinal order. See Fla. R. App. P. 9.130 (listing the grounds upon which a party may appeal a nonfinal order)."

More importantly, after dismissing the nonfinal appeal case 2D20-3160, the Second District Courts of Appeal denied the Appellants' Motion for a Written Opinion on November 2, 2022. Consequently, without a written opinion in the record, on 10/27/2022, the Florida Supreme Court denied the Appellants' Notice of Discretionary Jurisdiction, which was filed on 10/24/2022. There is no doubt that the Second District Courts of Appeal have created a controversy in the law. More specifically, the controversy created by the Appellate Court has to do with the misapplication of Rule 9.130(a)(3)(E). Such erroneous application of the law is of great public importance, which demands a clarification to establish the correct application of Rule 9.130(a)(3)(E), which this honorable court, being the U.S. Supreme Court of the land, must review and rule upon. On the one hand, in dismissing the nonfinal appeal case 2D20-3160, the Second District Court of Appeals has stated, "This appeal is dismissed as from a nonappealable, nonfinal order. See Fla. R. App. P. 9.130." However, on the other hand, Rule 9.130(a)(3)(E) clearly allows a nonfinal appeal originating from an order denying the disqualification of counsel. The controversy sparked by the dismissal of case 2D20-3160 is of great public importance and demands that this court provide the correct application of Rule 9.130(a)(3)(E). The SDCA's failure to issue a written opinion is a serious breach of public trust because the public no longer trusts the written law, which allows one thing while judges using the same written law deny the same thing. In a clear misapplication of the law, the Appellate Court abused its discretionary powers and chose not to issue a written opinion; furthermore, it used

the shortcomings of the Appellants' amended brief, which was focused on asking the appellate court to remand the case to the lower court with an order for an evidentiary hearing where the Defendants' competent evidence for the disqualification of the Plaintiff's counsel could be reviewed and ruled upon.

IX. REASONS FOR GRANTING THE WRIT

A. To avoid erroneous application of Florida Rules of Appellate Procedure Rule 9.130. Proceedings to Review Nonfinal orders and specified final orders Rule 9.130(a)(3)(e), this court should clarify the correct interpretation and application of rule 9.130(a)(3)(E).

The Petitioner George Cerron asked the United States Supreme Court to grant his Petition for Writ of Certiorari, arguing that the Appellate District Court's written order was signed by the three Judges: Kelly, LaRose, and Black, who stated in their ruling dismissing the case 2D20-3160, "This appeal is dismissed as from a nonappealable, nonfinal order. See Fla. R. App. P. 9.130 (listing the grounds upon which a party may appeal a nonfinal order)". Such a ruling, in reality, represents the erroneous application of Florida Rules of Appellate Procedure Rule 9.130(a)(3)(E) and constituted an order with a written opinion that should have been considered as such by the Florida Supreme Court for the admittance of the Appellants' Notice of Discretionary Jurisdiction to the Supreme Court, however, it was denied with the following language: "This case is hereby dismissed. "This Court lacks jurisdiction to review an unelaborated decision from a district court of appeals

that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court."

More importantly, the order dismissing the nonfinal appeal case 2D20-3160 issued by the three judges, Kelly, LaRose, and Black, should be considered a written opinion for the purpose of further admittance for review at the Florida Supreme Court and the United States Supreme Court because such an order, well elaborated and written in the SDCA's court docket case 2D20-3160, is an elaborated opinion by three judges and is not a per curiam or an affirmed decision (PCA), meaning without a written opinion, and is not, in fact, an unelaborated decision because it clearly elaborates that the appellate court dismissed the appellate nonfinal appeal case by elaborating that the case is "dismissed as from a nonappealable nonfinal order. See Fla. R. App. P. 9.130 (listing the grounds upon which a party may appeal a nonfinal order)." In other words, the three judges on the Second District Court of Appeal clearly issued and signed a written opinion and made an entry memorizing for posterity their decision and opinion, which is written in the case docket section for the nonfinal appeal case 2D20-3160.

Traditionally, the per curiam opinion was used to signal that a case was uncontroversial, obvious, and did not require a substantial opinion. However, in this instant case, a great controversy exists in the interpretation and application of Rule 9.130(a)(3)(E). Such controversy is of great public importance beyond the particular facts and parties involved. See attached exhibits C, D, E, F, G, and H, which show that, on the one hand, on 11/04/2020, the Second District Court of Appeal, applying

Rule 9.130(a)(3)(E), admitted the nonfinal appeal case 2D20-3160, and on the other hand, almost two years later, after heavy litigation between the Appellants and the Appellee, the Appellate Court applies the same Rule 9.130(a)(3)(E) to dismiss the case in 2022. Furthermore, the Second District Court of Appeal refused to produce a formal written opinion even though it had already issued an order with a well-written and elaborated explanation decision, which was recorded in the Florida Second District Court of Appeal Case Docket for Case Number: 2D20-3160; please see relevant copies below.

Florida Second District Court of Appeal Docket

Case Docket

Case Number: 2D20-3160

Non-Final Civil Other Notice from Manatee County

GEORGE CERRON, ET AL vs. PERSONAL INVESTMENT INC.

Lower Tribunal Case(s):17-CA-4797

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Description	Filed By	Notes
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dismiss appeal nonfinal/nonappealable order		This appeal is dismissed as from a nonappealable nonfinal order. See Fla. R. App. P. 9.130 (listing the grounds upon which a party may appeal a nonfinal order).
Dismissed - Order by Judge		Kelly, LaRose, and Black

10/31/2022	Motion for Written Opinion	Carmen Cerron	APPELLANT'S MOTION FOR A WRITTEN OPINION
11/02/2022	MISCELLANEOUS ORDER		Appellant's motion for issuance of written opinion is denied.

Supreme Court
Disposition

NOTICE OF DISCRETN.
JURISDICTN

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court.

B. To uphold the Constitutional rights to due process of law and equal protection of the laws guaranteed to all U.S. Citizens by the Fourteenth Amendment, Section 1 of the United States Constitution.

The dismissal of the nonfinal appeal case 2D20-3160 in an arbitrary fashion without a logical explanation affects in a negative way the core of our more sacred law of the land, which is the U.S. Constitution and its guarantees provided to all U.S. citizens, including the right to due process of law, equal access to the protection of the laws, and the right to be heard. The message sent to the public has been that the Second District Court of Appeal and the lower civil court refuse to review competent evidence that will disqualify the plaintiff's counsel and probably end up with a dismissal of the lower civil court case 2017CA004797, among other things, because the plaintiff's counsel not only should be disqualified for conflict of interest but for perjury and fraud on the court. More importantly, the message to the public is that the Florida Second District Court of Appeal is also protecting the plaintiff's counsel. The Manatee County lower civil court and the Florida Second District Court of Appeal are sending the wrong message to the public, which is that because lawyers are members of the Florida Bar, they are somehow protected by their colleagues. Such a message is wrong. By dismissing case 2D20-3160 without any factual or legal basis, the Second District Court of Appeal sparked a major debate

over the interpretation and application of Rule 9.130(a)(3)(E). Even though the U.S. Supreme Court's main objective is not to correct errors in lower tribunal decisions, this instant Petitioner' claim that seeks the review of the U.S. Supreme Court by means of a writ of certiorari is one of public importance and presents issues of great importance beyond the particular facts and parties involved, which, with its clarification, can send the correct message to the public of the United States and the world.

X. CONCLUSION

For the foregoing reasons, the petitioner George Cerron, ask this Honorable Court to admit for review his claims and for his petition for a writ of certiorari to be granted, and the petitioner respectfully pray that a writ of certiorari be issued to review the judgment or unlawful dismissal entered in the lower court (SDCA) for the nonfinal appeal case 2D20-3160. More importantly, the petitioner respectfully request that this court answer in the affirmative the petitioners' questions presented above by affirming that the controversy created by the unlawful dismissal of case 2D20-3160 was based on a misapplication of Rule 9.130(a)(3)(E), in so much that it created a great controversy in the interpretation and application of that law and that it resulted in an issue of public importance that required review by the United States Supreme Court. Even though the primary goal of the United States Supreme Court is not to correct errors in lower tribunal decisions, this instant Petitioner' claim for review in the United States Supreme Court via writ of certiorari is one of public importance and presents issues of great importance

beyond the specific facts and parties involved that, with the United States Supreme Court's interpretation and clarification for the correct application of Rule 9.130(a)(3)(E), can send the correct message. In doing so, it will uphold the more sacred law of the land, which is the U.S. Constitution and its guarantees provided to all U.S. citizens, including the right to due process of law, the equal access to the protection of the laws, and the right to be heard.

DATED this 20th day of January, 2023. . (Original date that was submitted)

Respectfully submitted,



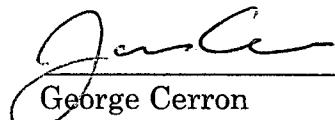
George Cerron
Pro Se Petitioner
7727 Heyward Circle
Bradenton, Florida, 34201
combate4@gmail.com

CERTIFICATION OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font requirements Century Schoolbook 12 point type. As required by Supreme Court Rule 33.1(h), I certify that the document contains 4,505 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 20, 2023 .(Original date that was submitted)

Respectfully submitted,



George Cerron
Pro Se Petitioner
7727 Heyward Circle
Bradenton, Florida, 34201
combate4@gmail.com