ORIGINAL

No. 22-73

In The
Supreme Court of the United States

DR. USHA JAIN AND MANOHAR JAIN
Petitioners,

Vs

.DAVID BARKER, MARY BETH VALLEY,
MICHAEL FURBUSH
Respondents.

On Petition for Writ of Certiorari to the Fifth District Court of Appeals of State of Florida for Eleventh Circuit Florida

PETITION FOR WRIT OF CERTIORARI

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July16, 2022

QUESTIONS PRESENTED

This case presents an important question of Federal statutes designed by Congress for minority citizens of color and ethnicity in the country to get fair and impartial justice for their federal rights by removing the case from the state court to the federal court per 28 USC § 1443. This case involves defying and defrauding Florida Statutes FS 57.105 and disobeying Congress's Statutes (Federal Statutes of jurisdiction 28 U.S.C. §§ 1446 (d) and 1447 (c). This case is also important for violation of the due process rights of a naturalized minority doctor who was demanded to attend the hearing outside the noticed time without the valid receipt of the remand order while working on an emergency patient with multiple injuries, 14th Amendment to the Constitution of the United States of America (section one).

1. This Court should resolve the question of the law, whether the state court's jurisdiction continues during the removal period and whether state court proceedings and order should be void which are entered during the removal period on a subsequent petition for removal, filed after a year on a different matter and on different grounds. Whether Judge can make an exception in following the express language of Federal Removal Statute 28 U.S.C. § 1446 (d) which explicitly states, that proceedings and orders entered by a state trial court during the removal period is "void". The question needs

to be resolved for the national uniformity because there are "competing views" and "conflicting cases with a split of authority in federal, out-of-state, Florida and intra-district conflicting decisions.

2. Whether this court should resolve national, Florida, and intra-district conflicting cases on the endpoint of the transfer of the federal jurisdiction to the state court in the federal removal case. Whether an oral/endorsed order a valid remand order? What kind of order triggers the state court's jurisdiction:

(i) oral/endorsed order which could not be mailed;

(ii) valid remand order, written and certified order mailed by the federal clerk to the state court;

(iii) receipt of the written order by the state court clerk. National uniformity is much needed in the application of the express language of the Federal Statute 28 USC § 1447 (c) which should not be subject to judge-made exceptions..

3. This court needs to resolve a question of First impression and of the great public importance of Federal law involving the fundamental constitutional rights of due process. Whether the duty of the medical doctor to take care of the emergency patient with multiple injuries on the exam table be trumped over by the demand of a judge to attend the *unscheduled* hearing without receipt of the valid remand order from the federal court which can risk the

life of the patients, medical license and livelihood of the doctor with an award of award $450,000 per FS 57.105 in the absence of the Jains. The jurisprudence would affect the livelihood and medical license of the doctors and also the medical care of countless patients if a doctor would have to abruptly pause/ abandon care per the demand of a judge.

4. The Constitutionality of Federal Statute 28 U.S.C. § 1447 (c) is in question as the immediate execution of an endorsed remand order, when the order is received only by one party represented by an attorney and not by the pro se party who is forced to receive the order only by US mail after three to five days is unconstitutional. Also, merely mailing a copy of the remand order by the federal clerk to the state court clerk and execution of the order by the state court, Congress has no provision for the time required for a receipt of the remand order by pro se and lost mail and clerical errors before execution of the remand order by the state court. The only valid ways for pro se to know the remand order are, if it is docketed in the state court after the receipt by the state court clerk or receipt of the remand order by pro se via US Mail.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENTS

All parties appear in the Caption of the case on the cover page.

Dr. Usha Jain and Manohar Jain,

Petitioners,

Vs

David Barker, Mary Beth Valley,

Michael Furbush,
Respondents,

Petitioner is not a corporation. No party is a parent or publicly held company owning 10% or more of any corporation's stock.

The appeals court incorrectly listed Roetzel and Andress even when the claim was settled four years ago in 2017 and not a party anymore. The State Court and Appeal Court did not correct the party.

STATEMENT OF RELATED PROCEEDINGS

The case started in 2016 with a Case No. 2016-CA-7260. Appeal was filed with the case no. Case No. 5018-1215

Petition for writ of certiorari was filed in the US Supreme Court Case No. 19-476

New claim per FS 57.105 and Offer of Judgment with six months of discovery in the same case and the Jains are Putative Defendants

Supplementary proceedings in the State Court to Enforce

Judgement Case No. 2016-CA-7260 and the Jains are Judgement Debtors

Federal suit was filed in the Federal Court for the Civil Right Action per 42 U.S.C.§1983 Case 6:19-cv-1635 and Federal removal was filed in the same action.

Case under appellate review Appeal No. 20-11908.

Leave of the court for venue change for Federal removal

Ocala: 5:21-mc-00001-CEM-PRL

Jacksonville Case No. 3:21-mc-10-BJD-JRK

Tampa: 8:21-cv-00238-SDM-JSS was for a leave for a venue change but was remanded instead of transferring a case to the Orlando Division.

Second Federal Removal Case No. 6:21-cv-00336 under Appellate Review Case No. 21-11719

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PETITION FOR WRIT OF CERTIORARI

Petitioners, Jains respectfully petition the Court for a writ of certiorari to review per Curiam affirmation by the 5th DCA court of Appeals in which the state court's judgment involved the violation of Federal Statutes 28 U.S.C.§§ 1446(d), 1447 (c) along with violation of the fundamental due process of the Jains in defending the claim per FS 57.105, and should be void in the state court as a matter of law.

OPINIONS BELOW

Appeals court case 5D21-791 Dr. Usha Jain and Manohar Jain v. David Barker, Mary Beth Valley and Michael Furbush

The opinion of the state court of last resort to review the merits appears at Appendix A1 to A3 to the petition

The opinion of the state court affirmed by appeals court after review the merits appears at Appendix B1 to B2 to the petition.

STATEMENT OF JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (a) to review the final judgment of the Florida Fifth District Court of Appeal involving the constitution and statutory provisions.

An extension of time to file the petition for the writ of certiorari was granted to be due July 16, 2022 (21A724).

28 U.S.C. 2403(a) may apply. The constitutionality of the act of Congress is drawn into question for Federal Statutes 28 U.S.C. § 1447(c) because it discriminates against pro se citizens who cannot get real-time orders. Any state court proceeding during the period when the order is received only by one party is unconstitutional and should be void as a matter of law. Pursuant to 28 U.S.C. §451, this is not certified by the appeals court but the Jains have filed an application in the Federal appellate court on June 1, 2022.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal Statutes 28 U.S.C. §§ 1446 (d) and 1447 (c)

Federal Statute 28 U.S.C. §1446(d) states in relevant part in the present version

After a notice of removal is filed in federal court, notice thereof is given to adverse parties, and a copy of the notice of removal is filed in state court, removal is effected and "the State court shall proceed no further unless and until the case is remanded." 28 U.S.C.A. § 1446(d) (West 2015).

Amendments in 1940 Congress substantially amended the older version in 1940 by replacing the directive of immediate carrying the remand order into execution with a procedure for mailing

a certified copy of the federal remand order to the state court clerk.

In 1948, Congress amended 28 U.S.C. § 1446(d) which effectively changed while a removal petition is pending in federal court, is void, even if the federal court subsequently determines that the case is not removable."

Federal Statutes **28 U.S.C. § 1447 (c)** states in relevant part:

A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.(Supp.11 1985).

Constitutional Provision

The Fourteenth Amendment to the Constitution prohibits depriving any citizens of fundamental due process. Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law .... or equal protection under the law" Const. Amend. XIV

- A state court has decided an important question of the federal law of fundamental due process violation that has not been, but should be, settled by this Court which is affecting the minority pro se doctor's livelihood, medical license and the patient care

The Civil Rights Act of 1964 provides specific civil rights stated in terms of equality in which Congress afforded protection from discrimination based on race, color, religion, sex, and national origin in places of public accommodation.

STATEMENT OF THE CASE

In 2016, pro se Jains filed the suit against HOA attorneys and company Roetzel and Andress for damages caused by filing of a false document in an official HOA record under common law fraud. After two amendments the case was dismissed in 2018, on the basis that the complaint was conclusory. But later on during the discovery for FS 57.105, Attorney Mr. Wert admitted that there was no track numbers and return receipts for the certified letter (false document).

A. Case of Adjudication per FS 57.105

The Jains are defendants in the claim per FS 57.105. The original claim per FS 57.105 in 2016 was for three parties from Roetzel and Andress but Roetzel and Andress settled the claim and are not a party anymore. In 2018, the new claim was filed, *by only two parties,* Barker and Valley *without safe harbor* against the minority pro se Jains from a protected class per FS 57.105 and the Jains are actively defending this claim. In defense, the Jains filed a cross-claim for bad faith filing by changing the original claim filed for three parties to the new claim for only two parties without a safe harbor and can be sanctionable.

Judge Weiss provided six months of discovery by interrogation, admission, and depositions to be followed by the trial by the evidentiary hearing for the bad faith determination required per FS 57.105.

During the discovery time of six months the Jains could only do the deposition of Mr. Barker and Valley in which Mr. Barker admitted that *he did not have any tracking number and did not have any return receipt number which proves the falsity of the document.* This was admitted after the lower court dismissed the Jains' case on the basis of conclusory allegations for the false document.

The Jains' request for other documents, and depositions were denied. Their motions to compel for discovery violations were never heard because there was no response from JA and there was no time available on the calendar of the Judge for three months. Judge Weiss did not resolve the pending motions to compel and the Jains were not able to complete meaningful discovery to defend the claim per FS 57.105 and FS 768.79, obstruction of justice.

Judge Weiss agreed for the entitlement first per FS 57.105 for either party and then there would be a separate hearing for the attorney fee. Despite this agreement, the notice was for all day hearing for the entitlement and fee hearing. The Judge had to be recused and another Judge Calderon was assigned the day before the hearing.

During the evidentiary hearing which was for the entitlement of either party per FS 57.105, the new administrator Judge Roche showed up about one and a half hour late at 10:30 a.m. and wanted to calculate the attorney fee directly without entitlement. Dr. Jain pro se objected to the calculation of attorney fees and explained that this hearing was for entitlement of claim of attorney fee per FS

57.105 (bad faith determination) and an offer of judgment which was never done before. Judge Roche instructed Dr. Jain to stop.

Judge Roche ignored (i) all the pending motions; (ii) the cross-claim of the Jains per FS 57.105; (iii) all the witnesses of the Jains who waited all day and skipped the requirement of bad faith determination for the entitlement of attorney fees, Judge Roche in joint participation with attorney Wert and Furbush started with calculating attorney fees by taking the testimony and evidences all day and calculated fee to be $ 286.000. It is required per FS 57.105 that entitlement for attorney fees is done by bad faith determination. Dr. Jain could not do anything for this inequality in which the Jain's cross claim per FS 57.105 was ignored but other party's claim per FS 57.105 moved forward in calculating attorney fees without the entitlement by bad faith determination.

B. **Removal of Claim per 28 USC § 1443**

The Jains filed the civil action for deprivation of rights per 42 USC §1983 in the federal court. In the same action, the Jains removed the claim to federal court for federal question jurisdiction pursuant to **28 USC § 1443** for racial/ethnic inequality in applying 57.105 by state court Judge Roche under the Civil Rights Act of 1964. The 42 USC 1983 case was dismissed by Judge Mendoza without jury trial requested by the Jains and is currently under appellate review.

On February 10, 2020, Judge Mendoza remanded the claim per 28 USC § 1443 to the state court for the reason that it was procedurally improper as it was filed in the

ongoing case per USC 42 § 1983 and a separate fee was not paid. Also, Judge Mendoza remanded without any opportunity for the evidentiary hearing to argue. The Jains could not establish equitable consideration for the "federal question jurisdiction" by the preponderance of the evidence. This was timely appealed and is presently under appellate review, 20-11908.

C. Remand back to the State Court

The opposing attorneys insisted that the remand order is NOT appealable despite their knowledge that the removal was filed by the Jains per 28 USC § 1443 (1)' and scheduled another hearing with Judge Roche for attorney fees but that was already calculated by the same Judge previously without entitlement. For unknown reasons, Judge Roche was not on the case anymore. Interestingly, New State Court Judge Brownlee was on the case in June 2020 and with the desire of appellees scheduled the virtual evidentiary hearing again. The Jains disputed the duplicate hearing for the calculation of attorney fees which were already calculated by Judge Roche in the hearing of September 2019. After four months, Judge Brownlee disclosed the conflict of interest in which her husband was an expert witness for attorney fees against the Jains and she had to be recused in December 2020.

New Judge Ashton was assigned at the end of December 2020, who under color of law scheduled the virtual evidentiary hearing to adjudicate the claim per FS 57.105 which was already done with Judge Roche on September 11, 2019 and attorney fees were already calculated without entitlement. Moreover, pro se Jains were not

capable of virtual evidentiary hearing. The Jains objected to the *duplicate virtual* evidentiary hearing multiplying the proceedings from $ 296,000 to . . . but nothing was done. (JA did not respond to the Jains' emails).

The Jains felt the disparaging treatment with Judge Ashton (pro se status, ethnicity/color) and reserved the right to file the claim in the federal court per *Jennings reservation.*

D. Leave for Venue Change to Preempt Prejudice in Orlando for Federal Removal Claim

The Jains needed justice for the violation of their federal statutory rights of equality (racial/ethnic/pro se status) by NEW Judge Ashton. In 2021, after one year, the Jains asked for a leave of the court to file a new federal removal case in Orlando in the same case but was denied by Magistrate Hoffman by stating the case is closed for one year. This dispositive order was never affirmed by Judge Mendoza as required per 28 U.S.C. § 636(b). After **one year**, the Jains needed to file new federal removal for violation by NEW Judge Ashton on a ***different matter and also on different grounds***. The Jains, due to anticipated retaliation against and not receiving a fair trial in the Orlando Division by Judge Mendoza, the Jains requested venue change to Ocala, Tampa, and Jacksonville, but were denied.[1]

[1] Judge Mendoza denied access to the Court's CM/ECF system despite lockdown during a national emergency subjecting pro se Jains to dangerous exposure to COVID by providing Mail option only requiring the Jains to go inside the post office, stand in the line with the general public to get the calculation of the postage according to the weight. (High risk due to age, diabetes, heart condition, high blood pressure and kidney issues). The Jains were not provided an opportunity to argue to establish the federal question jurisdiction by a preponderance of the evidence.

The Jains filed the leave/removal in the Tampa Division because Tampa authorizes pro se to file electronically without permission of a judge. The Judge in Tampa Division did not have jurisdiction but remanded the case instead of transferring the case to Orlando Division in violation of local rule 1.04(b) which states "the Judge must transfer the action to the division most consistent with the purpose of this rule." If Judge Merriday transferred the case according to the Rule to Orlando Division then it would have prevented another filing by the Jains with another fee per 28 U.S.C. § 1914 on February 18, 2021

E. Filing of the New Notice of Removal in Orlando

The Jains were left with only choice to file in Orlando for the violations of New State Court Judge Ashton despite the anticipated prejudice and retaliation in Orlando. The Jains are from a protected class and Congress enacted the federal statute 28 USC § 1443 (1) to prevent inequality due to racial and ethnic bias per Civil Right Act 1964.

On February 18, 2021, the Jains filed a new notice of removal in the District Court of United States of Orlando with a new fee per 28 U.S.C. § 1914 on different grounds, different matter and different proceedings for the violations of the newly assigned Judge Ashton pursuant to 28 U.S.C.§1443(1). The Jains filed a copy of the notice of removal with the clerk of the state court and also notified the adverse parties of their filing. This informative action per Federal Statute 28 U.S.C. §

1446(d) *validated* the removal proceedings and divested the jurisdiction of the state court.

A new case was opened with a new Federal Judge Dalton on February 19, 2021. Case #6:21-cv-00336

Instead of filing the motion to remand in a newly opened case, opposing attorneys Mr. Wert and Mr. Furbush filed in the old case which has been closed since March 27, 2020, and the case is in the appellate review, 20-11908.

On February 19, 2021, at 10:30 a.m., Magistrate Hoffman denied the appellees' remand request by stating that there was nothing to remand in the old case and directed attorneys to file their remand request in the newly opened case.

Right after that, before 10:51 a.m., Judge Mendoza gave the verbal remand order to the state court even when there was nothing to remand as was ordered by Magistrate Hoffman. Moreover, Judge Mendoza was divested of the jurisdiction that was conferred to the appeals court (case no. 20-11908). Judge Mendoza took over the case from Judge Dalton and consolidated it by transposing the new case into the non-live closed case, without citing any authority which is currently under an appellate review. Due to the verbal remand order by Judge Mendoza to the state court at 10:51 a.m., the Magistrate had to vacate her own order at 10:56 a.m. then the attorneys refiled their response in the new case at 11:12 a.m. but at 11:13 a.m.

Judge Mendoza filed *endorsed order* in the old closed case without an evidentiary hearing to establish the federal question jurisdiction for the new matter.

Judge Mendoza also stated in his endorsed order nothing was changed and a "written order to follow." The record clearly shows that the second filing of the removal was on *different grounds, a different matter, and different proceedings for the newly assigned Judge Ashton.* The endorsed order was ONLY received by the attorneys and state court Judge Ashton and was not received by the Jains who are being pro se, can receive the order only by US Mail which can take three to five days. This endorsed order is not a formal written command as required per Federal Statute 28 U.S.C.§ 1447(c) of transfer of jurisdiction from the federal court to the state court. To date, after year and a half, Judge Mendoza does not have a written order which could be certified and mailed by the clerk of the Federal Court to the state court and the docket of the state court does not show the remand order.

F. Endorsed Remand Order & Duplicate Hearing by Judge Ashton in the Absence of the Jains

Despite the known fact that the Jains validated the federal removal divesting the state court's jurisdiction, Judge Ashton and attorneys started the hearing on February 19, 2021, at 9 a.m. instead of canceling. After about 20 minutes in the hearing, Judge Ashton at the desire of attorneys stopped the hearing who wanted to wait for the remand order. Dr. Jain explicitly informed the Court that she was not

available all day and was only available for the noticed time from 9 to 1 p.m. Please see an excerpt from the transcript at 9 a.m. on February 19, 2021.

> "All right. So what I want to say is that we are not available all day and we cannot be available on an emergency. You have to consider us too and not just Tom Wert"

At 1:30 pm on that day, Judge Ashton called the emergency medical center and demanded that Dr. Jain join the hearing which was outside the noticed time. Dr. Jain informed Judge Ashton that the hearing was scheduled for 9 am for four hours, and at this point, Dr. Jain was tending to an emergency patient with multiple injuries and had other patients who were rescheduled to be seen after 1:30 p.m. including one driving an hour from Port Orange. [2]

Dr. Jain also said, there is no remand order from the Federal Court. Judge Ashton responded by stating that you are hearing from the Horse's mouth but that was not a valid order and it needed to come from the Federal Court. Judge Ashton identifying himself as a horse then that horse is the cause for our federal statutory violations. Judge Ashton had to know that the remand order has to be a formal command with a written order from Federal Judge Mendoza to be received by both parties. Judge Ashton also knew that only one party represented by a paid attorney got the real-time remand order because they have access to the electronic filing

[2] Due to COVID, the patients are screened and scheduled and the Jains stopped seeing patients with upper respiratory infection to protect them from exposure due to being high risk over 70 years old with comorbid conditions

system while pro se Jains do not get real-time orders and have to rely on US Mail for the order.

Dr. Jain objected again to the hearing starting at 1:30 p.m. when it was scheduled for the morning for four hours and informed Judge Ashton that she could not leave a patient with multiple injuries. Dr. Jain could *not abandon the injured patient,* jeopardize her medical license and livelihood.

Judge Ashton conducted the hearing which was only one sided in absence of the Jains and was already done by Judge Roche, duplicate hearing.[3] The Jains did not have the opportunity to object and was in clear violation of their due process rights. Judge Ashton did the entitlement per FS 57.105 even when record shows the original claim was for three parties and the new claim, filed in 2018, was ONLY for two parties and there was no safe harbor. Judge Ashton also approved the fee per offer of judgment even when the record clearly shows that the offer separately broke down the amount to be paid by each defendant to each plaintiff but it was contingent upon the execution of a Mutual General Release requiring the Jains to collectively release all the defendants, which effectively rendered the offer an all-or-nothing proposition. All of these were skipped by Judge Roche.

[3] The hearing was already done by Judge Roche on September 11, 2019, and the fee was calculated by Judge Roche without the required entitlement and ignored Jain's objection and also Jains' cross-claims and motions for the discovery violations.

The Jains disputed the hearing which was without jurisdiction, without the receipt of the endorsed order by the Jains and also it was outside the notice time in violation of due process. *Even appellees realized their mistake and filed a rehearing motion because judgment could be void and wanted to redo the hearing.* Judge Ashton denied the reconsideration motion by stating **his opinion** *that both courts had jurisdiction* and *the "Statute does nothing to divest the State Court of jurisdiction over the matter before it"* and **misapplied** *Berbarian* case in which procedural steps were not followed as required to effectuate removal.

G. Review in the Appeals Court

The Jains filed an appeal through counsel and argued that the state court did not have jurisdiction, there was a violation of Federal Statute 28 U.S.C. §§ 1446 (d) and 1447 (c), due process and fee award was unlawful in absence of the Jains with a court record evidence of noncompliance of FS 57.105 and FS 768.79.

The appellees misrepresented to the court that the Jains filed multiple removals but court record clearly shows that the Jains requested a leave of the court for the venue change for their notice of removal because of the anticipated retaliation in the Federal Court of Orlando. Appeal Court affirmed per curiam despite the defect in the jurisdiction, and denied rehearing in en banc and a written opinion. ***To this day, the jurisdiction of the state court is not restored as there is no written remand order from the Federal Court of Orlando in the State Court.***

REASONS FOR GRANTING THE WRIT

The decision below warrants this Court's review for national uniformity in the application of Federal Statutes under the Supremacy clause in which courts are bound to apply those established rules of decision by Congress without judge-made exceptions and various interpretations of a state court.

1. The writ should be granted to resolve the question of the law, about the Federal Statute 28 U.S.C. § 1446 (d) whether a state court has jurisdiction when the removal is effectuated, whether proceedings and order entered by a state trial court during the removal period is "void". The question needs to be resolved for the national uniformity because there are "competing views" and "conflicting cases with a split of authority in federal, out-of-state, and Florida decisions regarding the amended version.

The Federal Statute 28 U.S.C. § 1446 (d), in the present version, in relevant part states:

After a notice of removal is filed in federal court, notice thereof is given to adverse parties, and a copy of the notice of removal is filed in state court, removal is effected, and "the state court shall proceed no further unless and until the case is remanded." 28 U.S.C.A. § 1446(d) (West 2015). Pursuant to the text of the statute, this informational and ministerial act is necessary to divest the state court jurisdiction.

On February 18, 2021, the Jains being Defendant in the claim per FS 57.105 from the protected class, removed the case effectively by filing a notice of removal in the United States District Court for the Middle District of Florida in Orlando, and filed a copy of the notice in state court and notified adversaries pursuant to 28 U.S.C.A. § 1446(a), (d) (West 2015) and complied by this information and ministerial act, pursuant to the text of the statute, and thereby depriving the state court of jurisdiction to proceed any further.

As grounds for removal, the Jains being defendants in the claim per FS 57.105 asserted "federal question jurisdiction per 28 U.S.C. § 1443 (1) for the violation of the NEW Judge Ashton on a different matter, different proceeding and different ground than the previously filed removal petition about one year ago in 2019 about Judge Roche, currently under an appellate review. The remand order is reviewable per Section § 901 of the Civil Rights Act of 1964 thereby Congress opens the way for immediate appeal.

Judge Ashton's Order of March 2nd, 2021, asserted that the state court also retained jurisdiction of the case along with the federal court by stating in his order at Appx. B1 Last three lines of the last paragraph on page 6a:

> "The Statute does nothing to divest the state court of jurisdiction over the matter before it. During the period prior to the Federal Court's decision to exercise jurisdiction, both courts have jurisdiction in the matter."

Judge Ashton misconstrues and misapplies Federal Statutes 1446 by stating that the statute does nothing to divest the state court of jurisdiction over the matter before it and **misapplied** *Berberian v. Gibney* 514 F. 2d 790 (U.S.C.A. 1 1975). In *Berbarian* case the state court retained jurisdiction because notice of removal was NOT filed in the state court, a procedural step required per Federal Statute 1446 to effectuate the removal. The Jains' case is not analogous to *Berbarian* because the Jains complied with the removal procedure and filed a copy of the notice of removal with the clerk of the state court and notice thereof to all adverse parties thereby state court lost jurisdiction. A federal court and a state court should not seek to exercise simultaneous jurisdiction over a case. See infra *South Carolina vs Moore.*

Judge Ashton's statement about the state court retaining the jurisdiction relies on the *old version 28 U.S.C. § 72 (1946)* in which the procedural steps were not required but in the amended version, procedural steps are required to effect the removal.

These changes are clearly analyzed by the Hopson Court
Hopson v. N. Am. Ins. Co., 71 Idaho 461, 233 P.2d 799, 800–01 (1951) (emphasis added) (discussing 28 U.S.C.A. § 1446 (West 1949)). The *Hopson* court analyzed the effect under the new removal statute of giving notice of the filing of a verified petition for removal, explaining:

By providing in Section 1446 that taking such procedural steps affects the removal of the cause to the Federal Court, which is not found in the earlier Act, Congress

has thereby expressly effected the removal of the cause to the Federal Court irrespective of the ultimate determination of the question as to whether or not it is removable; it is not thereafter in the State court for any purpose until and unless the cause is remanded; for that reason the State court is *expressly prohibited from proceeding* further until and unless it is so remanded, Removability is no longer a criterion which gives or denies validity to the proceedings in the State court while a petition for removal to the Federal Court is pending; any such proceedings in the State court under the present act are not sanctioned; *they are prohibited.*

Since 1948, Congress has amended 28 U.S.C.A. § 1446(d) nine times, and the amendments to the removal statute in 1948 effectively changed so that a state court adjudication, while a removal petition is pending in federal court, is void, even if the federal court subsequently determines that the case is not removable." These amendments to the removal statute in 1948 effectively changed the Rives-Metropolitan rule which is not good law anymore.

The new version applies in the Jains case. "It is clear that once a removal petition has been filed and proper notice given to adverse parties and the state court, the district court has exclusive jurisdiction over the case." *Georgia v. Rachel,* 384 U.S. 780, 797 n. 27, 86 S.Ct. 1783, 16 L.Ed.2d 925 (1966)(Emphasis added)

Judge Ashton also cited *Ricci v.Ventures Trust,* 276 So.2d 5 (4DCA 2019), Appx. pg. 6a, but this also is a *misapplication* because according to that state court proceeding should pause while the removal statute is in effect.

Judge Ashton's Order also states Appx 7a 2nd para at line 13:

> "Had Congress intended to limit the ability of the State Courts to proceed surely that would have been contained in the statute, U.S.C. 1446, that suspended the proceeding in the first instance."

But the Statute clearly contains the text "the state court shall proceed no further unless and until the case is remanded." 28 U.S.C.A. § 1446(d) (West 2015).

There is all but unanimity on the proposition that 1948's Amendments to the removal statute effectively outlined the procedure to divest the state court of its jurisdiction and the ***Jains followed the same*** and is supported by many case laws.

Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254–55 (11th Cir.1988) "Hence, after removal, the jurisdiction of the state court absolutely ceases and the state court has a duty not to proceed any further in the case. Any subsequent proceedings in state court on the case are void *ab initio*."

DB50 2007–1 Tr. v. Dixon, 314 Ga.App.194 723 S.E.2d 495, 496 (2012) (" '[A]ny proceedings in a state court after removal of a case to federal court are null and void and must be vacated.' " (citation omitted)).

Musa v. Wells Fargo Del. Tr. Co., 181 So.3d 1275, 1284 (Fla. 1st DCA 2015) ("We hold the final judgment entered by the court below after removal of the case to federal court (and prior to remand) is void because the circuit court no longer had jurisdiction.")

Preston v. Allstate Ins. Co., 627 So.2d 1322, 1324 (Fla. 3d DCA 1993)"(concluding that the filing of a notice of removal divests the state court of jurisdiction until the federal court enters an order of remand)" per new version.

Garcia v. Deutsche Bank Nat'l Tr. Co.259 So. 3d 201 (Fla. Dist. Ct. App. 2018) State court jurisdiction ceases upon removal of a case to federal court and any pre-remand proceedings occurring in the state court after the case has been removed are void. *Mawhinney v. 998 SW 144th Court RD, LLC* 212 So. 3d 468 (Fla. Dist. Ct. App. 2017)

In a detailed review of the law in this area, the First District concluded that even an improper removal to federal court, or a removal for improper motives, will not preserve state court jurisdiction.

Bank of Am. v. Bozek 2018 Ill. App. 170386 (Ill. App. Ct. 2018). Since the defendants satisfied the procedural steps to perfect removal, the federal court had jurisdiction regardless of whether the case is removable or the notice frivolous. Courts in Illinois and in other jurisdictions have concluded that no exceptions should be created to the general rule and thus have invalidated state court action taken after removal but before remand.

Since the Jains complied with the procedural steps to perfect the removal, the state court did not have jurisdiction regardless of whether the case is removable or the frivolous notice. see *Lewis v. C.J. Langenfelder & Son, Jr., Inc.*, 266 Va. 513, 587 S.E.2d 697, 700–01 (2003) (" 'After compliance with the removal statute[,]' .... '[a]ny

subsequent proceedings in state court on the case are void ab initio.' A later determination that the removal petition was not proper does not change that outcome." *Lowe v. Jacobs,* 243 F.2d 432, 433 (5th Cir.)

South Carolina v. Moore, 447 F.2d 1067, 1073 (4th Cir.1971) A federal court and a state court should not seek to exercise simultaneous jurisdiction over a case. "any proceedings in the state court after the filing of the petition and prior to a federal remand order are absolutely void, despite subsequent determination that the removal petition was ineffective."

Judge Ashton and Appellees contend that the Jains filed removal several times. See the excerpt below:

> "MR. FURBUSH: So I know this is probably asking for too much, but, you know, the case was removed wrongfully. It's going to be remanded. It's already been remanded four times. It's going to be remanded a fifth time. We don't know when that's going to happen."

But this is false because the Jains filed a leave of the court for venue change which is not the same as filing a federal removal. The Jains simply requested for a venue change to Ocala, Tampa and Jacksonville as explained supra. The Jains' leave of the court with the notice of removal, in the Tampa Division ended up with the remand order in violation of local rule 1.04 instead of transferring the case to the Orlando Division. Thereby, this is a misstatement in the court record and misrepresentation about the multiple removals. (FS 837.06)

> ***Ex turpi causa non oritur actio*** (Latin "from a dishonorable cause an action does not arise") is a legal doctrine which states that a plaintiff will be unable to pursue legal remedy if it arises in connection with his own illegal act.

Moreover, the Jains' leave of the court for the second removal was after a year for the violations by the new Judge and is not analogous to any case of multiple removals as cited below.

Previously, in September 2019, the Jains' removal case for the violations of Judge Roche was dismissed by Judge Mendoza without an opportunity to argue and establish the federal question jurisdiction. *Three J Farms, Inc. v. Alton Box Bd. Co.*, 609 F.2d 112 114, (4th Cir. 1979)

Contrary to the nearly unanimous view across the country about the amendments in 1948, **some courts are still relying on old version** and have concluded that, under current law, a state court decision, while a removal petition is pending in federal court, is not void if the federal court subsequently determines the case is not removable." Id. These contradictory cases are of North Dakota; *Farm Credit Bank of St. Paul v. Ziebarth,* 485 N.W.2d 788, 91 (N.D.1992) The Oklahoma court's interpretation of 28 U.S.C. § 1446, stands alone. See Bell v. Burlington N. R.R. Co., 738 P.2d 949, 954 (Okla. Civ. App. 1986) Judge Ashton relies on old version.

Accordingly, the Fourth District in *Heilman* and *Hunnewell* adopted "narrow exception" to the general 'void' rule" in cases involving multiple filings of removal petitions on the same ground.

Musa court decline to follow the Fourth District in adopting an exception to the "general rule that state court action is 'void' after the [notice of] removal ... is filed." There was contradictory case in the Supreme Court of Florida, *Wilson v. Sandstrom*, 317 So.2d 22 (Fla.1975). "When removal is shown to be improper the State court's actions are not void." Id. at 740 (citing *F & L Drug Corp. v. Am. Cent. Ins. Co.*, 200 F.Supp.718(D. Conn. 1961) The Georgia Supreme Court in *Styers v. Pico, Inc.*, 236 Ga. 258, 223 S.E.2d 656,657–58 (1976) has stated in dicta similarly.

In the wake of *Wilson*, however, Florida's district courts of appeal have continued to hold that "[a]fter removal, the jurisdiction of the state court ceases until the case is remanded to state court, and any state court proceedings on the case after removal but prior to remand are void ab initio." *Remova Pool Fence Co. v. Roth,* 647 So.2d 1022, 1024 (Fla. 4th DCA 1994) see *Gunning v. Brophy*, 746 So.2d 468, 468 (Fla. 2d DCA 1997)

The *Hunnewell* court "acknowledge[d] that across the country there is a split of authority as to whether state court action is void after the filing of a notice of removal." " The *Hunnewell* court denied rehearing and certified conflict with *Gunning v. Brophy*, 746 So.2d 468 (Fla. 2d DCA 1997), and *Maidman v. Jomar* Hotel Corp., 384 So.2d 728 (Fla. 3d DCA 1980). Id.

In Jains' case, there is no valid remand order per Statute contained in the record of the state court. Thus the State Court's jurisdiction was never restored. See *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248 (11th Cir.1988).

In sum, there are conflicting cases nationwide regarding jurisdiction, and proceedings in the state court should be void during the removal period. These are leading to appeals and petitions to the writs in the Supreme Court and the petition should be granted for uniformity.

2. The writ should be granted to resolve the question of the law, regarding the Federal Statute 28 U.S.C. § 1447 (c) for the endpoint of transfer of jurisdiction from Federal Court to State court. Whether a verbal/endorsed remand order is a valid remand order and can it trigger the transfer of the jurisdiction especially when it is received ***only*** by one party.

Removal to federal court and the effect of removal is governed by federal law. See *Harris v. State,* 41 Ark. App. 207, 850 S.W.2d 41, 42 (1993).

In the instant case, on February 19, 2021, Judge Ashton acted upon the notification by the Federal Court before 10:51 a.m. as stated in his order (Appx. Page 5a in the last five lines), which was received only by the Judge and opposing counsel and was not received by pro se Jains. Judge Ashton conducted the hearing at 1:30 p.m. with *endorsed* remand order ONLY which was also not received by pro se Jains, whose valid means to know the order is only by US Mail in the Federal Court of Orlando.

The endorsed order is not a valid remand order per Federal Statute 28 U.S.C. 1447 (c), which states:

A certified copy of the order of remand shall be mailed to the clerk of the State court. The State court may thereupon proceed with such a case. This was quoted in *City of Delray Beach v. Dharma Props., Inc.*, 809 So. 2d 35, 36 (Fla. 4th DCA 2002)

Judge Ashton is following the OLD pre-28 U.S.C. section 1447 version which was substantially amended in 1940 and *replaced the directive of immediately carrying the remand order into execution with a procedure for mailing a certified copy of the federal remand order to the state court clerk.* Congress reformulated the remand statute again in **1948**. Congress then renumbered the statute during the recodification, but did not change the statute's content **1985**

Judge Ashton called the emergency medical center of Dr. Jain, and demanded to attend the hearing which was outside the notice time. Dr. Jain was working on the emergency patient, and got surprised by the call from Judge Ashton. Dr. Jain said there is no remand order. Judge Ashton's response was "you are hearing from the Horse's mouth." Dr. Jain while working on a patient with multiple injuries was very much disturbed with Judge Ashton's above statement because that was not a valid means of the remand order and it needs to be from a federal judge. Judge Ashton identifying himself as a horse then that horse is the cause of the Jains federal statutory violations. Furthermore, Judge Ashton had to know that the remand

order has to be a formal command with the written order from a Federal Judge to be received by both parties before he can conduct the hearing.

Judge Ashton did not follow the express language of the above Statute and reinvested the jurisdiction with the *oral notification at 10:51 a.m. on February 19, 2021,* which was NOT received by pro se Jains. Appx. pg. 5a last five lines.

The Remand was done, only by the oral/endorsed order on a new federal removal case with a different matter, different proceedings, and on different grounds. Judge Ashton stated nothing is changed from the previous remand but the court record clearly shows that the matter, proceeding, and Judge were different in the previous filing.

In the case of *BP P.L.C. v. Mayor and City Council of Baltimore* 19-1189, Supreme Court stated below:

"To our minds, the first telling clue lies in the statute's use of the term "order." Whether we look to the time of §1447(d)'s adoption or amendment, a judicial "order" meant then what it means today: a "written direction or command delivered by . . . a court or judge." So an "order remanding a case" was (and is) a formal command from a district court returning the case to state court."

Accordingly, per Supreme Court precedent, endorsed order is not a formal command or written direction and thereby is not a valid remand order which can transfer the jurisdiction from the federal court to the state court. Endorsed order is the only text

entered in the computer and is not a written order thereby it cannot be certified by the clerk of the court to be mailed and cannot reinvest the jurisdiction.

Judge Ashton under color of law in joint participation with Mr. Wert and Mr. Furbush disregarded the requirement of the written remand order pursuant to the amended version of 28 USC § 1447 (c). Judge Ashton and both attorneys knew that the only valid means for the Jains to get the order is via US Mail. The state court's proceeding of the hearing for almost three hours was: (i) without a receipt of the remand order; (ii) in violation of the above federal statute; (iii) without jurisdiction. This is unconstitutional and should be void as a matter of law.

Judge Ashton stated in his order, Appx pg.7a Para 2 line 12

> "The Court finds no logic to that argument... .U.S.C. 14479 (c) was intended to set forth procedural steps to be taken by the Clerk of the Federal court not a limitation on the power of the State Courts to proceed."(Emphasis in original)

This is erroneous because it is based on the old version before 1940 and per the amended version of 1948 of Federal Statute 28 U.S.C. 1447 (c) the procedural steps of mailing a certified copy of the federal remand order to the clerk of the state court is necessary.

Also, in the above statement of Judge Ashton, the text of the statute is superseded by his concept which is not allowed. The courts are bound to pay attention to the precise language of the federal remand statute. **The Statute expressly requires a written order, certified and then mailed.** See many case laws *infra*.

To resolve the different interpretations of the court, Congress made amendments with ***express language*** so specific outlined procedure to be followed to transfer the federal jurisdiction to the state court without exceptions. Thereby this informative and ministerial action represents the federal court's transfer and surrender of exclusive jurisdiction to the state court. This is similar to the mandatory procedural requirement of filing a copy of the removal petition to the state court to divest the state court of its jurisdiction. When a party attempting to remove a case fails to file a copy of the removal petition in the state court, that failure to perform an informative action will invalidate the removal proceeding because the act of informing the state court that it no longer possesses jurisdiction to consider the merits of the case actually works to transfer jurisdiction of the case. Likewise, the filing of a certified copy of the remand order in the state court informs that court, and the parties before it, of the transfer of exclusive jurisdiction back to that state court to decide the case. This is especially important in the case of Pro se Jains who do not get real-time orders in the Federal Court.

According to the text of the both Federal Statute, ministerial actions are required to effectuate both removal and transfer jurisdiction. Roman Catholic Archdiocese v. Feliciano, 140 S. Ct. 696, 700 (2020) (quoting 28 U.S.C. § 1446(d)).

There are many case laws which support and follow the express language of the statute:

Trans Penn Wax Corp. v. McCandless, 50 F.3d 217, 225 (3d Cir. 1995); The "physical mailing of the certified copy [of the remand order] is the key operational jurisdictional event to divest the district court of jurisdiction, because a remand order is not self-executing."

Boone Coal and Timber Co. v. Polan, 787 F.2d 1056, 1060 (6th Cir. 1986) ("The federal court is completely divested of jurisdiction once it mails a certified copy of the order to the clerk of the state court.")

Browning v. Navarro, 743 F.2d 1069, 1078 (5th Cir. 1984) (remand order did not self-execute, but executed upon mailing of certified copy).

Yarborough v. Blake, 212 F. Supp. 133 (W.D. Ark. 1962). The United States District Court for the Western District of Arkansas observed that "upon receipt by the Clerk of the State court of the certified copy of the order, the State court was authorized to proceed with the case."

Cook v.J.C. Penney Co.57 a federal district court ruled that it could reconsider its order to remand a case to state court, because the clerk of the federal court had failed to mail a certified copy of the remand order to state court.

Bucy v. Nevada Const. Co., 125 F.2d 213, 217 (9th Cir. 1942) (district court could review and set aside its own erroneous remand order before filing of certified copy of order in state court because remand order is not self-executing).

In *Poindexter v. Gross & Janes Co.* 167 F. Supp. 151 (W.D. Ark. 1958) the court indicated that, in order to divest a federal court of jurisdiction, the entry of the remand order and its mailing to the state court were necessary.

Judge Ashton stated in his denial Order Appx.pg. 7a ¶ 2 ln 20

> "Consistently, within the Federal cases discussing removal of cases, is the concept that these statutes are to be strictly construed against depriving the State Court's jurisdiction."

On the contrary, a literal reading of the statute suggests that the state court may not proceed with the case until its clerk has received a certified copy of the remand order from the federal court, which would expressly authorize the state court to proceed with the case. This is Most, but by no means all courts therefore have concluded that the state court may not reconvene a trial or otherwise recommence proceedings until the federal court's clerk has mailed a certified copy of the remand order to the state court, or until the state court has actually received a certified copy from the federal court. The latter is important for pro se Jains who do not get real-time orders.

While there is some contrary authority, see *Johnson v. Estelle,* 625 F.2d 75, 78 (5th Cir. 1980) and in *Lowe*, 102 F.3d 731, 734 (4th Cir. 1996), those cases should not control. The Jains case is not even analogous to Johnson because the Jains *did not even get the order from the federal court* by any means before the hearing because the Jains were denied to have real-time orders. The old approach still lingers to this day as the courts have failed to pay attention to the precise language of the federal

remand statute. *Reimer v. Scott,* 666 S.W.2d 384, 385 (Tex. App.-Houston [14th Dist.] 1984, Dorsey v.State,71 Ind. App. 408, 357 N.E.2d 280, 282-83 (1976)

Despite the straightforward language of the statute, there are contradictory opinions in the state and federal courts about its proper construction and the cases are still following the old version despite the new version being in effect for years.

3. This court needs to grant the writ to resolve a question of First impression and of the great public importance of Federal law involving the fundamental constitutional rights of due process, whether the duty of the medical doctor to take care of the emergency patient with multiple injuries on the exam table should trump over the demand of the judge to attend the unscheduled hearing without receipt of the valid remand order which can risk the life of the patients, medical license, and livelihood of minority Dr. Jain.

Judge Ashton stated in his order that "the Jains waived their rights" despite the fact that Dr. Jain already informed the Court in the morning hearing that she is not available all day as seen in the excerpt of the transcript on February 19, 2021, at 9 a.m.

> "All right. So what I want to say is that we are not available all day and we cannot be available on an emergency. You have to consider us too and not just Tom Wert"

Taking care of the emergency patient with multiple injuries outside the notice time of the hearing cannot be considered as waiving the rights. Dr. Jain had a duty to

attend to the patient with multiple injuries sustained from falling off the ladder including fracture and the possibility of splenic rupture. Dr. Jain could not abandon the patient risking the patient's life, malpractice claim, medical license and livelihood of Dr. Jain for the hearing which was unscheduled and without a remand order.

Judge Ashton's phone call at 1:30 p.m. was outside the noticed time of the hearing and disrupted the care of the injured patient and also other patients who had scheduled appointments from 1:30 p.m. to 5 p.m.

Judge Ashton also considered Dr. Jain's obligation to take care of the patient as a medical doctor as the personal schedule see the excerpt below:

> "You are required to be available for this hearing. It is your doing which has made us unable to do this today, so I'm unsympathetic to your personal schedule."

Moreover, at the time of the phone call at 1:30 p.m. Dr. Jain also said that there was no remand order but Judge Ashton's response was that 'you are hearing from the horse's mouth but that is not a valid remand order which needed to be from the Federal Judge Mendoza.

Judge Ashton conducted the hearing in absence of the Jains and the fee calculated became over $450 thousand dollars instead of $ 290,000 as calculated by Judge Roche and Judge approved it without applying 28 U.S.C. § 1927 because the fee

used was also for the federal work which is unlawful but .it was approved because the Jains were not there to object it.

Judge Ashton entitled per FS 57.105 ignored the record of the original claim in 2016 which was for three parties and in 2018 was only for two parties. But, there was no Safe harbor for the new claim for the two parties because the company Roetzel and Andress already settled and were not a party anymore and that is a substantial change. FS 57.105 is a derogation of common law requiring strict construction of both the substantive and procedural portions thereby to be valid all `t's' must be crossed and `i's' dotted. Judge Ashton also ignored the cross-claim of the Jains, "[T]he filing of a motion for sanctions is itself subject to the requirements of the rule and can lead to sanctions."*Smith v. Psychiatric Sols., Inc.*, 750 F.3d 1253, 1260 (11th Cir. 2014) (citing Fed. R. Civ. P. 11(b)(1)))).

Similarly, the Offer of Judgement was also from Roetzel and Andress in 2016 but Roetzel and Andress settled in 2017 and not a party anymore. Moreover, the release, which was attached to the letter, required "contingent upon the execution of a Mutual General Release." Meaning the Jains to collectively release all the defendants, which effectively rendered the offer an all-or-nothing proposition which is unlawful per FS 768.79 Supp. R. at 4119.

The "constitutional guarantee of due process requires that each litigant be given a full and fair opportunity to be heard." *Vollmer v. Key Dev. Props., Inc.*, 966 So. 2d

1022, 1027 (Fla. 2d DCA 2007) (citing *County of Pasco v. Riehl*, 635 So. 2d 17, 18 (Fla. 1994); *E.I. DuPont De Nemours & Co. v. Lambert*, 654 So. 2d 226, 228 (Fla. 2d DCA 1995); and *Edelman v. Breed*, 836 So. 2d 1092, 1094 (Fla. 5th DCA 2003)).

The Jains believe, Judge Ashton's demand to attend the hearing outside the noticed time, without a receipt of remand order was ***inhumane and in violation of human rights.***

This Court has the authority to protect the constitutional guarantee provided by the 14th Amendment of the Constitution and protect human rights and condemn this kind of abuse of power by judges.

4. Writ should be granted due to the unconstitutionality of Federal Statute 28 U.S. Code § 1447 (c) which is one-sided and favors the citizens who retain paid attorneys and it discriminates against self-representing citizens. Any state court proceedings that take place after the remand order are received only by one party are unconstitutional and should be void as a matter of law.

A party represented by a paid attorney gets real-time remand orders because they have access to the electronic filing system while a pro se party is forced to use the US Mail system which can take three to five days.

In the instant case, the Jains are defending the claim per FS 57.105 and the proceedings without the receipt of the remand order by the Jains are

unconstitutional and should be void as a matter of law. In the Federal Court of Orlando, pro se Jains were denied access to the electronic filing system.

Federal Statute 28 U.S. Code § 1447 (c) should clarify that jurisdiction is regained once the written certified remand order is docketed in the state court. This will ensure that all of the parties get a better opportunity to resume the state court proceedings in an orderly and timely fashion, especially self-representing parties. This law should be changed so it is fair and does not unfairly favor citizens who retain attorneys.

In sum,

This case started with an attorney filing a false document in the official HOA Record to win attorney fees then to protect the attorneys, the judges in the state court sanctioned pro se Jains which was reversed but then again Judge Roche violated FS 57.105 and now Judge Ashton violated Federal Statutes by stating both courts have jurisdiction and then taking a verbal order wrongfully against the express language of the present version of Federal Statutes which comes under the Supremacy clause Official deemed to know the law Owen vs. City of Independence100 S Ct. 1398.

As it is seen, at every stage of these oppressions, the petitioners attempted by petitioning for redress in the most humble terms but were responded by only repeated injury.

CONCLUSION

Petitioners pro se Dr. Usha Jan and Manohar Jain respectfully request that this Court grant petition for writ of certiorari for the foregoing reasons: (i)The petition should be granted for the national uniformity in the application of the present versions of Federal Removal Statutes 28 U.S.C.A. §§ 1446 (d) (West 2015) and 1447 (c) as is written by the Congress. This court has the authority to enforce under Supremacy Clause, the express language without Judge-made exception to Federal Statutes; (ii) protecting the fundamental due process rights under Federal Law, 14th Amendment to the Constitution of the United States of America; (iii) clarify that the remand order needs to be received and docketed in the State Court before the jurisdiction can be restored because pro se litigants do not get real-time remand orders.

Respectfully submitted on this 16th day of July, 2022.

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