22-7510

On Petition for Writ of Certiorari to the

United States Court of Appeals for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

Noel Vincent Thomas

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IN THE SUPREME COURT OF UNITED STATES

	)
NOEL VINCENT THOMAS	)
PRO SE LITIGANT	)
PETITIONER	) D.C. NO. 8:22-cv-01610-KKM-AAS
- Vs -	) U.S. A. C. NO. 22-13107-J
FLORIDA DEPARTMENT OF	) U.S. S.C. NO. _____
HIGHWAY SAFETY	)
AND MOTOR VEHICLES	)
MIKE STACY, FLORIDA,	)
DHSMV INSPECTOR GENERAL,	)
STEPHANIE D DUHART,	)
FLORIDA DHSMV,	)
BUREAU OF RECORDS (MS),	)
MARIE T RIVES, FLORIDA	)
ATTORNEY GENERAL	)
RESPONDENTS	)

QUESTIONS PRESENTED

1) Whether the Trial Court erred as a matter of law by dismissing Petitioner's case based upon the Lower Court claims that Petitioner failed to state a claim and the basis for the Court's jurisdiction and failure to comply with federal rules of civil procedure, which are all fictitious arguments based on the fact that Petitioner was in full compliance with all the above-stated violations.

2) Whether the Trial Court abused its discretion in refusing to review and examine the complaint and all the supporting exhibits and the denial of the motion to proceed in forma pauperis, which is a privilege and a right, and therefore violates constitutional guarantees, such as due process, right to redress grievances, freedom of speech and access to the court.

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Noel Vincent Thomas, respectfully request the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eleventh Circuit is unpublished and reprinted in the Appendix at *App. D, 11a-13a*. An unpublished no action/ deficiency notice from the U.S. Appeals Court Clerk denying and changing the title of Petitioner's motion for rehearing which is reproduced at *App. E, 14a-15a*. An unpublished U.S Appeals Court Clerk's order dismissing Petitioner's complaint for failure to pay the filing fees, reprinted at *App. F, 16a-17a*. The decision of the U.S. District Court order dismissing Petitioners' case and denying his motion to appeal in forma pauperis is unpublished and reprinted at *App. C, 9a-10a.*

JURISDICTION

Noel Vincent Thomas, the Petitioner, motion for rehearing was denied and the title altered on January 26, 2023, by the Court of Appeals *(See) Pet. at App. E, 14a-15a,* and on February 27, 2023, the United States Appeals Court dismissed the complaint for failure to pay the docketing fees. The Petitioner invoke this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for writ of

certiorari within the ninety days of the U.S. Court of Appeals, Eleventh Circuit's judgment.

TABLE OF CONTENTS

TABLE OF CITATIONS AND OTHER AUTHORITIES

STATUTES AND OTHER AUTHORITIES

PARTIES TO THE PROCEEDINGS AND RELATED CASES

Petitioner is Noel Vincent Thomas a pro se litigant and the Respondents are Florida Department of Highway Safety and Motor Vehicles (DHSMV); Mike Stacy (Florida DHSMV Inspector General); Stephanie D Duhart (Florida DHSMV Bureau of Records); and Marie T Rives (Florida Attorney General Office).

Below are all the proceedings in other courts that are directly related to the case in this Court:

Noel Vincent Thomas Vs. Florida DHSMV, et al., No. 8:18-cv-2497-T-36CPT, U.S. District Court for the Middle District of Florida, Judgment entered May 5, 2020.

Noel Vincent Thomas Vs. Florida DHSMV, et al., No. 20-10300-B, U.S. Court Of Appeals for the Eleven Circuit, Judgment entered June 5, 2020.

Noel Vincent Thomas Vs. Alabama Law Enforcement Agency (DLD), No. 21-CC-000466, Hillsborough County Small Claims Court, State of Florida, Judgment entered April 20, 2021.

Noel Vincent Thomas Vs. Alabama Law Enforcement Agency (DLD), No. 2D21-1178, Florida Second District Appeals Court, Judgment entered December 21, 2021.

Noel Vincent Thomas Vs. Florida DHSMV, No. 21-CC-018676, Hillsborough County Small Claims Court, State of Florida, action still pending.

Noel Vincent Thomas Vs. Alabama Law Enforcement Agency, et al. No. 22-CC-110379, Hillsborough County Small Claims Court, State of Florida, action still pending.

Noel Vincent Thomas Vs. Alabama Law Enforcement Agency, et al., No. CV-2022-00347, The Circuit Court of Montgomery County, State of Alabama, action still pending.

STATEMENT OF CASE AND FACTS

Petitioner was involved in an accident in Gulf Breeze, Florida in the year 1987 and the victims apparently was not satisfied with the insurance settlement so they hired a lawyer who eventually visited Petitioner while incarcerated, to try and negotiate some terms of agreement, but to no avail, his efforts were futile, and that attorney then made some vile threats to Petitioner that he would Somehow pay for his refusal to cooperate. Now the Respondents have consistently insinuated that the victim's lawyer and the default judgment were figments of Petitioner's imagination but in their motion to dismiss filed in the Hillsborough County Small Claims Court (HCSCC) on March 29, 2021, they were repeatedly referencing the terms, private Florida attorney, unnamed Florida attorney and unnamed private personal injury attorney ***(See comp. E-1,2,3),*** which confirms that the Respondents know the identity of that individual and is currently engaged in some type of illegal activities with said attorney because Petitioner never mentioned any personal characteristics

of the victim's lawyer, so this is proof positive that a conspiratorial scheme was being implemented. And further doing that period Petitioner was incarcerated and was released in July of 1994, whereupon he renewed his driver license at Mobile, Alabama Department of Motor Vehicles (DMV), without any complication. Then in the year of 1998 Petitioner was allowed to pay the renewal fees for his driver license and at that time no violations appeared in the Alabama DMV electronic records, that indicated any future problems but after illegally confiscating Petitioner's, funds they sent him a letter informing him that a hold had been placed on his driver license without any supporting documentation or explanation of why this was occurring or without any due process procedures being allowed pursuant to the ***Fifth Amendment Rights of the U.S. Constitution,*** which asserts, nor be deprived of life, liberty or property, without due process of law; ***Fourteenth Amendment of the U.S. Constitution,*** which 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. Once Petitioner contacted Alabama DMV concerning the subject matter, they told him that Florida Highway Safety and Motor Vehicles (DHSMV) put the hold on his driver license and that he would have to get in touch with those officials to resolve the issue. Petitioner began communications with Florida DHSMV, and they said that Alabama DMV initiated the hold on the driver license, while Alabama claimed the reverse and this process went on for several days until finally Alabama DMV stated

that the reason for the hold was because of a default judgement stemming from the Florida accident that occurred in the year 1987, yet neither of those agencies provided proof to support that claim ***(See comp. E-4).*** And this prolonged and torturous experience of trying to resolve the illegal hold placed on Petitioner's driver license caused severe losses and damages, which violated Petitioner's ***United States Constitutional 8th Amendment Right,*** which declares, " nor cruel and unusual punishment be inflicted" but here is clear evidence of abuse and misuse of Authority. After the Petitioner became frustrated by the lack of transparency, he started researching the statutes of limitation on default judgements in both states and discovered ***Florida Statutes (F.S.) 95.11(1)*** and ***Code of Alabama 6-2-32,*** which shows the limitation to be twenty years and since there was no lawyers or organizations willing to assist Petitioner in the matter, he was forced to pursue this course of action on his own. Throughout the twenty-year period Petitioner contacted the errant officials and persistently requested for a solution to the problem but received none, so after the alleged default judgement expired, he began sending certified letters to different types of government officials, agencies, departments and divisions, seeking their help in alleviating the ongoing violations ***(See comp. E-7,9,10,11).*** The fact of the matter is, Petitioner's, Alabama driver license was never legally cancelled, revoked or suspended and neither Alabama nor Florida DMV can produce legal documents proving otherwise. The Respondents provided a document to Petitioner dated February 1, 2012, which displayed a driver's license being

suspended on September 5, 1989, and a default judgment pending ***(See comp. E-4),*** which proves the Respondents and the victim's attorney conspired to use an illegal document "(default judgment)" to commit intra and interstate crimes by falsifying and fabricating government documents to deny Petitioner's driver privileges for over twenty years. In relationship with the above-mentioned document the Respondents provided several other exhibits that displayed significant information, namely, the falsified driver license expiration date of July 16, 1998, and it is important to note that Petitioner never had driver license in Florida until May 10, 2019, ***(See comp. E-4,5,6),*** so that information is falsely manufactured and proves that both Alabama and Florida DMV coordinated and conspired to deny driver's privileges to Petitioner due to the fact, that July 16, 1998, is the exact date that the illegal hold was placed on Petitioner's driver license. And further demonstrated in the afore-mentioned documents is more faulty information relating to dates and actions, specifically, November 6, 2009, where a Florida driver's item was cancelled and April 29, 2009, another Florida driver related item was suspended, then on September 5, 1989, another Florida driver related item was suspended and a default judgment filed ***(See comp. E-4,5),*** and both of those exhibits were issued on the respective dates of February 1, 2012 and July 16, 2013, yet May 10, 2019, was the first time that Petitioner was ever issued driver license in the state of Florida. Then on June 26, 2018, Petitioner received an email from Alabama Law Enforcement Agency (ALEA), Driver License Division (DLD), Chief Deena L Pregno,

asserting false allegations and insinuating that Petitioner had a Florida identification card and an Alabama driver license at the same time in the year of 1998, without providing documents to support those accusations ***(See comp. E-8).*** In the June 26, 2018, email ALEA, DLD, chief, stated that she spoke to someone at Florida Department of Highway Safety and Motor Vehicles (DHSMV), to try and track down why Florida DHSMV had reported Petitioner's driver privileges as being suspended, and here at this point this must be stated that the very action by ALEA, DLD, chief, is criminal because this is the same agency that placed the hold on Petitioner's driver license on July 16, 1998, and then reinstated them on June 26, 2018, yet was requesting information from another state DMV agency concerning the suspension status of Petitioner's Alabama driver license, in which ALEA, DLD, is partially responsible for the denial of such ***(See comp. E-8).*** It was a total impossibility for Florida DHSMV, to have provided Alabama DMV, with information relating to Petitioner's driver license since he never had driver license in Florida until May 10, 2019, and secondly he did not live in Florida until the early part of the year 2000, so Petitioner had no residence in the state during that period of time in question, which means he could not possess a driver license or an identification card from Florida in the year of 1998. After sending certified complaints to multiple government entities Petitioner received a letter from Florida DHSMV, Inspector General Office (I.G.) dated July 27, 2018, acknowledging the reception of Petitioner's complaint with its supporting documents and it further

stated that after investigating the Alabama DMV, action of placing the illegal hold on Petitioner's driver license, it determined that the problem did not originate with Alabama DMV, but rather emanated from Florida DHSMV, Division of Motorist Services (MS) ***(See comp. E-12).*** Unfortunately, Florida DHSMV, I.G. response was to refer the matter back to the perpetrator of the violations who had refused to properly respond, comply or correct the problem and this was after Petitioner had clearly identified those officials and agencies who were involved in the misconduct. Petitioner received a letter dated August 31, 2018, from Florida DHSMV, (MS), claiming to have rectified some fictitious error that they asserted occurred when their system showed Petitioner's I.D. card as being cancelled, when it had only expired, and this was the year of 2018 when this letter was mailed to Petitioner ***(See comp. E-13).*** And attached to the August 31, 2018, letter from Florida DHSMV, (MS), was a three-year driver's record history printout, that covered the time period of January 30, 2014, to August 31, 2018, and nowhere on that document does it shows any driver's items being cancelled, revoked, suspended or expired ***(See comp. E-14).*** Florida DHSMV, failed to produce an accurate and complete driver's history, which would show and prove Petitioner never had any legal issues with his driver license or I.D. card but further displayed on the above-stated government printout was a false and fabricated original license issue date of August 6, 1987, yet Florida DHSMV, only provided Petitioner with a three-year driver's history, while asserting they have information on Petitioner dating back 30 years to

the time of August 6, 1987, but in reality, is the time period that Petitioner had a car accident in Gulf Breeze, Florida ***(See comp. E-14,18,19).*** After all state remedies were exhausted Petitioner filed a civil action in the federal court on October 9, 2018, to address the miscarriage of justice perpetrated by the Respondents. On February 14, 2019, the U.S. Magistrate Judge filed a report and recommendation (R&R) to deny Petitioner's motion to proceed in forma pauperis and to dismiss his complaint for the stated reasons of failure to satisfy the threshold pleading requirements, the immunity to which several of the Respondents were entitled under the eleventh amendment and failure to state a viable federal claim. The Petitioner filed an objection to the R&R and amended his complaint on February 27, 2019, and on April 18, 2019, the U.S. District Judge overruled Petitioner's objection motion and dismissed his amended complaint and then ordered Petitioner to file a second amended complaint without a legal or logical reason to do so. And on April 30, 2019, Petitioner complied with the Court's order and on September 20, 2019, the U.S. Magistrate Judge filed a second R&R and Petitioner responded to that order on October 4, 2019, then on January 13, 2020, the case was completely dismissed. Petitioner filed a notice of appeal, a motion to proceed in forma pauperis and a motion for appointment of counsel in the U.S. court of Appeals on January 21, 2020, and on January 27, 2020, Petitioner received an instructional letter from the clerk office of the U.S. Appeals Court and on February 3, 2020, Petitioner received another letter from the U.S. Appeals Court clerk

informing him to file a motion to proceed in forma pauperis. Then on February 10, 2020, Petitioner received a third letter from the clerk of the U.S. Appeals Court telling him to file a certificate of interested persons and on May 4, 2020, Petitioner's motion to proceed in forma pauperis was denied by the U.S. Appeals Court and on June 5, 2020, Petitioner's complaint was dismissed for want of prosecution because Petitioner failed to pay the filing fees. Petitioner decided to acquire more detail information pertaining to his driver's history, so he requested a lifetime driver's history from Alabama DMV, dated December 23, 2020. ***(See comp. E-17),*** and ordered a driver's record transcript from Florida DHSMV, date January 11, 2021 ***(See comp. E-18),*** and on March 29, 2021, the Respondents filed a request for judicial notice in the HCSCC, with a fabricated government driver's history document attached ***(See comp. E-19),*** All the above-mentioned driver's history documents are supposed to be historical records and contain accurate and complete information, but they all fail to show and prove that Petitioner's driver license or I.D. card was ever suspended, revoked, cancelled or expired. If this Court will examine Florida DHSMV, transcript of driver's record ***(See comp. E-18),*** and the driver's record that was attached to the Respondent's request for judicial notice ***(See comp. E-19),*** this Court will discover false and fabricated information under the heading of "Alabama original license issued", which has the date of August 9, 1987. Petitioner filed his Alabama driver's license abstract or history in the U.S. District Court's records ***(See comp. E-17),*** and according to that document the

earliest issue date of Petitioner's Alabama drive license on file is August 4, 1994. ***(See comp. E-17),*** so where did Florida DHSMV, get that false information since Alabama records only dates back to the year of 1994? After obtaining the necessary documentation to prove that the Respondents violated states and federal laws, Petitioner filed a lawsuit in the HCSCC, on February 25, 2021, where he filed an eight-page statement of claim along with 41 pages of exhibits that supported all his allegations or causes of action and those same documents were filed in the U.S. District Court, which means the Appeals Court had access to that information, but suffice to say, the Respondents failed to comply with *Florida Rule of Civil Procedure (FRCP) 1.140(a),* which required an answer to the summons and complaint within 20 days after services of the original process, but instead of properly responding to the complaint the Respondents filed a motion to dismiss and a request for judicial notice on March 29, 2021, and on April 21, 2021, Petitioner responded to that motion to dismiss. Due to the gravity of the evidence in this case and the magnitude of the criminal implications involved in the outcome of these proceedings the Respondents had to change legal counsel three times, and is now represented by the Florida Attorney General who not only have possession of all the false and fabricated government documents filed into the HCSCC and U.S. District Court by Petitioner but also has access to all of Florida DHSMV, records and files relating to this action but refuse to investigate the criminal conduct of the Respondents or to prosecute them for those violations. Then on October 26, 2021, the HCSCC, held the

final hearing, wherein Petitioner was denied due process of law and access to the court by the HCSCC, refusal to allow Petitioner the opportunity to present evidence and utilize laws in his own defense. Even though Petitioner was not allowed to effectively represent himself, the evidence was so overwhelming that the HCSCC, rendered an order on February 1, 2022, granting in part the Respondent's motion to dismiss, which denied three of the defense elements of their argument, which are as follows: (1) sovereign immunity; (2) improper venue; and (3) statute of limitations, and all of these are complex litigation issues that could not be resolved in the HCSCC, but the Respondents was granted the fourth element, which was the HCSCC, alleged Petitioner failed to state a claim and ordered him to amend his complaint and on February 10, 2022, he fully complied. And on February 23, 2022, the HCSCC, granted the Respondent's motion for an extension of time to respond to Petitioner's amended statement of claim, in which they never did but instead filed a second motion to dismiss on March 9, 2022, and Petitioner responded to that motion on March 14, 2022, which received no reply from the HCSCC or the Respondents. Then the HCSCC, and the Respondents conspired to force Petitioner into an illegal hearing without complying with the proper procedures, pursuant to *Florida Rule of Civil Procedure 1.440(c),* which requires the court to enter an order fixing a date for trial, but no such order was ever issued. On April 20, 2022, Petitioner filed a motion to expedite and based upon the written and stamped information on that document by the clerk of the HCSCC, which showed a stamped reception date of April 20,

2022, then imprinted on that same document was a reception date of May 3, 2022, and these are two different dates of receiving the same document ***(See comp. E-23),*** which probably means the motion to expedite was in the custody of two different clerks for apparently two distinct purposes. And further the words, "set hearing" was stamped on the motion to expedite, with a handwritten date of April 27, 2022, and a signature and it further exhibited a handwritten note setting May 24, 2022, as a second hearing date without ever holding the April 27, 2022, hearing, so that information was not legally binding, and no official orders had been issued from the Court establishing either of the above-mentioned hearing dates as directives ***(See comp. E-22).*** Because of the corruption perpetrated by the Respondents and the HCSCC, Petitioner was forced to file a motion for sanctions on opposing counsel due to the conspiratorial scheme between all parties involved to compel Petitioner into an illegal hearing without the HCSCC, issuing orders for the commencement of such an activity, which Petitioner refused to participate in that course of action. Then on May 24, 2022, the HCSCC, held the illegal final hearing and filed a court ticket attempting to justify its future action, of claiming Petitioner failed to appear at a hearing that was never ordered by the HCSCC, and in fact the Court endeavored to personally call Petitioner several times during the hearing and logged those efforts into the Court records, which is not normal court practices. The HCSCC, knew that the May 24, 2022, final hearing was illegal, so they began sending Petitioner a chain of emails on June 8, 2022, attempting to reschedule the

hearing and ignoring the charge of failure to appear, and also on June 8, 2022, the HCSCC, filed an order denying the Respondent's second motion to dismiss, submitted on March 9, 2022, and according to that order, it appears that the specific purpose of the May 24, 2022, final hearing was to review the Respondent's motion to dismiss, which was totally a problematic decision. In that June 8, 2022, order the HCSCC, asserted that after reviewing the Petitioner's amended statement of claim and the response to the Respondent's motion to dismiss the Court arrived at its conclusion and further stated that the only reason that the Court previously dismissed Petitioner 's statement of claim was based on pleading sufficiency, with leave to amend. The HCSCC, further asserted in the June 8, 2022, order that the Respondent's motion to dismiss alleged two grounds as a basis for dismissal and they are as follows: (1) failure to provide statutory notice; and (2) failure to state a cause of action, Petitioner must at this point acknowledge that the HCSCC, failed to give any opinion on the statutory notice argument but its obvious Petitioner met that requirement due to the overwhelming evidence presented. The HCSCC, continued to assert in the June 8, 2022, order that Petitioner's amended statement of claim was still not a beacon of clarity, but the Court finds it to be sufficient enough to meet the pleading requirement in small claim matters ***(See comp. E-29),*** so Petitioner met the only remaining requirement specified by the HCSCC, which means Petitioner is the prevailing party and should have been immediately awarded compensation for damages but instead of comply with the law the HCSCC,

set a date for another final hearing and on July 26, 2022, the HCSCC, filed a notice of a final hearing and on July 29, 2022, the Respondents filed an affidavit and on August 2, 2022, the HCSCC, held a third in person alleged final evidentiary hearing, in which Petitioner was denied due process of law by the HCSCC scheduling that hearing for only thirty minutes and not allowing Petitioner to defend himself due to the HCSCC judge constant interruptions into his presentation. The HCSCC, attempted to assist the Respondents throughout the two years legal process but failed to accomplish that objective due to the overwhelming evidence presented by Petitioner and was forced to deny the Respondent's motions to dismiss, twice on the grounds of (1) failure to state a claim; (2) failure to serve statutory notice; (3) sovereign immunity; (4) statute of limitations; and (5) improper venue. But the HCSCC, granted the Respondents their legal defense argument of Petitioner failed to meet the pleading standard and gave him 20 days to amend his statement of claim and Petitioner complied on February 10, 2022, and on June 8, 2022, the HCSCC, rejected all of the Respondent's legal defense grounds by denying their motion to dismiss and accepted Petitioner's amended statement of claim and asserted that it met the pleading standard for small claim matter, which meant that Petitioner was the prevailing party but was denied the reward of damages. Once Petitioner succeeded in overcoming the pleading requirements and after the HCSCC, failure to make a conclusive decision in the August 2, 2023, third final hearing and its six months hiatus from court activities, the Court entered a notice of

intent to dismiss for lack of prosecution and gave Petitioner 14 days to file a motion to show good cause and on February 17, 2023, he complied with those instructions even though the burden was on the HCSCC, due to Petitioner being the prevailing party. Also on February 17, 2023, Petitioner filed a motion to expedite, motion for default judgment, request for default and affidavits in support of both the afore-stated motions and on February 23, 2023, the HCSCC, filed a final judgment order asserting that Petitioner failed to provide sufficient evidence to meet his burden of proof, although, the action was pending for two years and Petitioner filed 41 pages of exhibits, 12 different motions, which one of them being the amended statement of claim, in which, the HCSCC, alleged meet the pleading requirements in small claim matter and based on the HCSCC, acceptance of that one document, it alone was sufficient evidence to meet Petitioner's burden of proof. Due to the corrupt activities of the HCSCC, Petitioner filed this action into the Trial Court on July 15, 2022, and within two weeks the Trial Court issued an order asserting that Petitioner failed to state a claim, failed to comply with federal rules of civil procedure and failed to state the basis for the Court jurisdiction, ***(See App. A, 1a-5a),*** even though a related action was pending in that same Court for about one year and a half ***(No. 8:18-cv-2497-T-36CPT),*** and the above-mentioned HCSCC, case was pending for two years, yet the Trial Court was able to render a complex litigation decision in a short period of time without reviewing or examining the complaint or the supporting exhibits. And further in the July 27, 2022, order by the Trial Court,

which gave Petitioner the option to amend his complaint to correct the alleged defects and on August 8, 2022, Petitioner filed an amended complaint and on August 17, 2022, the Trial Court filed a report and recommendation (R&R), and on August 30, 2022, Petitioner filed his objection to the R&R. Then on September 8, 2022, the Trial Court issued an order adopting the U.S. Magistrate Judge R&R, denied Petitioner's motion to proceed in forma pauperis, dismissed the complaint and closed the case ***(See App. B, 6a-8a).*** On September 12, 2022, Petitioner filed a notice of appeal with the Trial Court and on September 16, 2022, the Trial Court filed its second R&R and on September 22, 2022, Petitioner file his second objection to the Trial Court R&R and on October 5, 2022, the Trial Court adopted the second R&R and denied Petitioner's motion to proceed in forma pauperis into the U.S. Appeals Court ***(See App. C, 9a-10a).*** On January 9, 2023, the U.S. Court of Appeals denied Petitioner's appeal for stated reason of being frivolous without providing one single example to prove such an assertion, which violated federal law, by circumventing ***28 U.S.C. § 46(c),*** purpose and function and thereby denying Petitioner access to the Court. According to the above-stated statute, which provides; cases and controversies shall be heard and determined by a court or panel of not more three judges, unless a hearing or rehearing before the court en banc is ordered by a majority of the circuit judges of the circuit court who are in regular active service. This means that the unilateral decision by a single judge breached ***28 U.S.C. § 46(c),*** *and* violated Petitioner's constitutional rights. On January 23,

2023, Petitioner filed a petition for panel rehearing ***(See App. G, 18a),*** but the Clerk of the Appeals Court purposefully and falsely label that motion as a motion for reconsideration of a single judge's order, when in reality, Petitioner was not asking the Court to reconsider anything, but rather he was demanding a panel rehearing, which was in full compliance with the above-mentioned code. Then on January 26, 2023, the Clerk of the Appeals Court issued instructions titled "no action/ deficiency notice" wherein the Clerk of Court perjuriously alleged Petitioner failed to comply with the certificate of interested persons and claimed it was not part of the filing but on the second page of Petitioner's motion for panel rehearing the heading is titled certificate of interested persons and it list all parties involved in all Petitioner's actions ***(See App E, 14a-15a).*** And on February 27, 2023, The Clerk of the U.S. Appeals Court dismissed Petitioner's complaint for want of prosecution because Petitioner failed to pay the filing fees ***(See App. F, 16a-17a).***

ARGUMENT FOR GRANTING PETITION

WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY DISMISSING PETITIONER'S CASE BASED UPON THE LOWER COURT'S CLAIMS OF PETITIONER FAILED TO STATE A CLAIM, FAILED TO STATE THE BASIS FOR THE COURT'S JURISDICTION AND FAILED TO COMPLY WITH FEDERAL RULES OF CIVIL PROCEDURES?

The Trial Court failed to show and prove that Petitioner did not meet the threshold pleading requirement standard in its orders issued on July 27, 2022, August 1, 2022, or September 16, 2022, which claimed that Petitioner failed to comply with ***Federal Rule of Civil Procedure (FRCP),*** failed to state a claim and failed to state the basis for the Trial Court jurisdiction. Petitioner will demonstrate that the federal civil rules used by the Trial Court has no relevance to the pleading standard requirements and fail to produce logical or legal sustainable grounds to warrant the dismissal of this action.

1) Petitioner failed to comply with FRCP 8(a)(1)(2 and FRCP 10(b).

The Trial Court asserted in their August 17, 2022, R & R order that Pro se litigant pleadings are held to a less strict standard than pleadings drafted by attorneys, nevertheless, Pro se litigant must still comply with Federal Rules of Civil Procedures. According to ***FRCP 8(a)(1)(2),*** which states, a pleading that states a claim for relief must contain:

a) Short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction, and the claim needs no new jurisdictional support.

b) Short and plain statement of the claim showing that the pleader is entitled to relief.

Petitioner filed a 41-page complaint with 32 complex and supportive exhibits on July 15, 2022, in the Trial Court and on August 10, 2022, he filed a 43-page amended complaint with references to the priorly filed exhibits and in both of those documents on page 1 and paragraph 2 under the title of jurisdiction and venue, which displays a short and plain statement of the ground for the court's jurisdiction, also on page 1 paragraph 1 under the title of complaint and amended complaint with demand for jury, it displays a short and plain statement of the claim showing the pleader is entitled to relief and it demonstrates why the action is being brought, who the criminal perpetrators are and what violations were committed **"(review complaints)"** So, both complaints are in compliance with ***FRCP 8(a)(1)(2),*** and by the Trial Court maliciously and illegally attempting to utilized the above rule, it violates Petitioner's ***U.S. Constitutional 1st Amendment Rights,*** which states, or abridging the freedom of speech or to petition the government for redress of grievances. And further the action of the Trial Court in holding Petitioner's complaint to a more stringent standard than those drafted by lawyers violates the ***U.S. Constitution 5th and 14th Amendments Rights,*** of due process of law, since ***FRCP 8(a),*** only deals with a small aspect of the total contents of the complaint and any such violation by a Pro se litigant should not result in the dismissal of his lawsuit, therefore the Trial Court not only erred in judgment but abused its discretion. The Trial Court failed to explain what the afore-mentioned federal civil rule has to do with failure to state a claim, since the Trial Court have not raised any

jurisdiction issues and even if that was the case Petitioner's complaints met the requirements. According to the legal definition of *failure to state a claim,* it asserts, a defense asserting that even if all the factual allegations in the complaint are true, they are insufficient to establish a cause of action. There are three main requirements needed to establish *failure to state a claim* and they are as follows:

A. The Petitioner failed to offer an example of illegal activities.

B. The Petitioner failed to provide evidence to prove that the Appellees broke the law.

C. The Petitioner's lawsuit has no measurable injury indicated in the action.

The Trial Court had in their possession not only sufficient facts in the complaint itself, but moreover it had overwhelming and irrefutable evidence in the form of exhibits, which showed and proved that the Respondents committed serious crimes, but the Trial Court refused to acknowledge the existence of such documents and instead asserted that Petitioner *failed to state claim,* without meeting the three above required elements to prove that declaration. And further the Trial Court failed to protect the constitutional rights of Petitioner by refusing to thoroughly review and analyze the complaint and exhibits and report the criminal violations to the proper authorities as required by federal law, that is, ***18 U.S.C. § 4,*** titled, misprision of felony, which asserts, whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does

not as soon as possible make known to some judge or other person in civil or military authority under the United States, shall be fine under this title or imprisoned not more than three years, or both. The Trial Court continued stating that Petitioner's amended complaint did not meet the threshold pleading requirements and violates ***FRCP 10(b),*** by including numbered paragraphs, each extends for multiple pages and is not limited to a single set of circumstances. The above-stated rule has no real relationship with *failure to state a claim,* because it is specifically pertinent to the structure of the complaint and has no connection to the factual contents or the supporting exhibits of the action, therefore it is not significant enough to be utilized as a ground for dismissal. If this Court would examine the initial complaint it would discover that every section of that complaint is in, numbered paragraphs, except for the section titled, statement of facts and general allegations, where Petitioner implemented numbered exhibits instead of numbered paragraphs for more effective referencing but due to the Trial Court inability to find any defects in Petitioner's factual argument or the supporting exhibits, it focus its attention on rules that has no feasible application in these proceedings. And to prove the ineffectiveness of ***FRCP 10(b),*** on July 27, 2022, the Trial Court ordered Petitioner to correct the deficiencies of the above-stated rule and on August 10, 2022, the problem was rectified by Petitioner numbering all the complaint's paragraphs but on August 17, 2022, the Trial Court rejected Petitioner's

effort and recommended that the complaint be dismissed and the motion to proceed in forma pauperis be denied, and for all this questionable abnormal behavior it is based on rules, that are insignificant and has no relevance to the case.

2) Petitioner failed to state the basis for the court's jurisdiction.

The Trial Court stated in its July 27, 2022, order, that Petitioner's complaint does not meet the threshold pleading requirements and failed to state a basis for the court's jurisdiction, but Petitioner quoted several federal laws in his initial and amended complaint, which gave jurisdiction to the Trial Court, and they are listed as follows:

a) ***28 U.S.C. § 1331,*** titled, federal question, and it asserts, the district court shall have original jurisdiction of all civil actions arising under the Constitution, laws. Treaties of the United States.

The Trial Court had original jurisdiction over this action because the Respondents conspired with other state governments to fabricate and falsified government documents and send that information via U.S. Mail and electronic mail which violated, ***18 U.S.C. § 241,*** conspiracy against rights, ***18 U.S.C. § 1037,*** fraud and related activity in connection with electronic mail, ***18 U.S.C. § 1038,*** false information and hoaxes, ***18 U.S.C. § 1341,*** fraud and swindles, and ***18 U.S.C. § 1349,*** attempts and conspiracy. The federal question is clearly answered in all these violations because the Respondents deprived Petitioner of his constitutional rights

and privileges guaranteed by the ***5th Amendment,*** which states, nor be deprived of life, liberty, or property without due process of law, and the ***14th Amendment,*** which asserts, no State shall make or enforce any law which shall abridge the ***"privileges",*** or immunities of citizen 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 law. First Petitioner have been litigating this action for about four years and have provided all the courts with overwhelming evidence that the Respondents have committed fraud by manufacturing false government documents and committed crimes in multiple jurisdictions, through a conspiratorial criminal enterprise, but the courts have failed to ensure Petitioner received equal protection of the law. Secondly driver license is a privilege, but it's protected by the U.S. Constitution because it is a government document and a contractual agreement and business transaction between the state and the citizens, which means, its regulated by the federal government via commerce clause of the ***U.S. Constitution Article 1 § 8, clause 3,*** which states, to regulate commerce with foreign nations and among the several states and with the Indian tribes. So, since the Respondents have robbed Petitioner of his protected privileges, thereby violating his constitutional rights because the U.S. Supreme Court has ruled that owning and operating an automobile is a right, See; ***Thompson v. Smith 154 S E 579, 11 A J Const. law, §329, P. 1135,*** which asserts, the right of the citizen to travel upon the public highway and to transport

his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. This means, that the Respondents have violated Petitioner's constitutional rights and federally protected privileges and the Trial Court has aided and abetted them in their criminal enterprise by refusing to hold a fair hearing and report the violations to the proper authority as required by ***18 U.S.C. § 4,*** and thereby denying Petitioner access to the court and due process of law.

3) Petitioner failed to state a claim.

On July 27, 2022, the Trial Court ordered Petitioner to amend his complaint to state a viable cause of action to proceed in forma pauperis and on August 10, 2022, Petitioner complied with the Court order, then on August 17, 2022, the Trial Court filed a R & R, asserting that Petitioner's amended complaint did not improve upon the original complaint and still failed to state a claim on which relief could be granted. First the Trial Court only used two Federal Rules of Civil Procedure to illegally dismiss this case, which are not pertinent or significant to this type of Pro se litigation because based on all the orders issued by the Trial Court on the matter of pleadings, it asserted that, Pro se Plaintiff's pleadings are held to a less stringent standard than pleadings drafted by attorneys, which means, the Court know that Petitioner is not legally savvy and should not place to much stress on rules that

they know a layman probably don't know and does not have a notable effect on the factual argument or the outcome.

Requirements for failure to state a claim.

According to federal law, there are three main requirements needed to establish failure to state a claim and they are as follows:

a) The Petitioner failed to offer an example of legal activities.

b) The Petitioner failed to provide evidence to prove that the Appellees broke the law.

c) The Petitioner's lawsuit has no measurable injury indicated in the action.

The legal definition for failure to state a claim is as follows: a claimant has failed to present sufficient facts which, if taken as true, would indicate that a violation of law had occurred or that the claimant was entitled to a legal remedy.

4) Petitioner failed to offer an example of illegal activities conducted by Respondents.

On September 5, 1989, Florida DHSMV, conspired with an unknown attorney to use an illegal document "default judgment" to commit intra-interstate crimes to deprive Petitioner of his driver's privileges for over twenty years ***(See comp. E-4).*** Alabama Law Enforcement Agency (ALEA), Driver License Division (DLD), and Florida DHSMV, on June 26, 2018, conspired to fabricate an email to concoct a story

concerning the illegal hold placed on Petitioner's driver license and then insinuated that he had a Florida I D card and an Alabama drive license at the same time without proof of such and then reinstated them in the same year without any explanation for why they were confiscated ***(See comp. E-8).*** On July 27, 2018, Petitioner received a fabricated letter from the Florida DHSMV, Inspector General office refusing to investigate the criminal conduct of Alabama and Florida DMV and referring the matter back to the culprits who committed the violation ***(See comp. E-12).*** Petitioner received a false and fabricated letter from the Florida DHSMV, Motorist Services dated August 31, 2018, claiming that some fictitious error occurred, when a Florida I D card was mistakenly shown as cancelled, when it had only expired and that they had corrected the information ***(See comp. E-13),*** and attached to that letter was a three year driver's record history printout and nowhere on that document does it show any item being suspended, revoked, cancelled or expired ***(See comp. E-14).*** In fact, Petitioner sent certified letters and complaints to ALEA. DLD, on October 16, 2018, with attached exhibits, showing and proving that fraud and conspiracy was committed by officials in both DMV agencies, but they refused to take the appropriate action ***(See comp. E-15,16).*** On August 28, 2018, Petitioner sent a certified complaint with attached exhibits to the Florida Attorney General, explaining and proving that serious crimes had been committed ***(See comp. E-20),*** and then on September 13, 2018, Petitioner received a letter from the Florida Attorney General Office, referring the matter to the perpetrators of the

violations ***(See comp. E-21).*** On February 18, 2022, the Florida Attorney General became the legal representative for Florida DHSMV and acquired all the evidence presented in the HCSCC, which included perjurious testimony of their client, false and fabricated government documents, but refused to remove themselves from the case or initiate an investigation ***(See comp. E-22).*** After the HCSCC, and Florida Attorney General failed to file criminal referrals with the U.S. justice Department or investigate the matter on their own accord, Petitioner sent certified complaints to the Florida Judicial Qualifications Commission, Federal Bureau of Investigation and the Florida Attorney General ***(See comp. E-30,31,32),*** requesting their assistance in resolving the continuous criminal violations by the Respondents, yet Petitioner failed to receive any type of response from the above-stated entities, so on July 15, 2022, Petitioner sent the same complaint and attached exhibits by way of certified mail to the Florida Chief Inspector General Office ***(See comp. E-33),*** and on July 22, 2022, Petitioner received a letter from the above-mentioned official referring the issue back to the Florida DHSMV, Inspector General and apparently there was sufficient evidence to warrant an investigation and the U.S. District Court and Appeals Court should have taken note of that fact ***(See comp.E-34).***

5) Petitioner failed to provide evidence to prove that the Respondents broke the law.

Petitioner alleged that the Florida DHSMV, conspired with Alabama DMV and an unknown lawyer to use an illegal default judgment to place a hold on Petitioner's driver license for over twenty years and will provide this Court with a host of exhibits to support that assertion, since evidence is needed to confirm the Respondents violated the law. The Trial Court has been avoiding mentioning anything concerning the 32 exhibits filed with Petitioner's complaint but have determined within a short span of time that this action failed to state a claim without thoroughly examining all the evidence presented to the court, so Petitioner will demonstrate with the following exhibits that state and federal laws were violated. The Respondents provided Petitioner with a false and fabricated government document dated February 1, 2012, ***(See comp. E-4),*** and it displayed fictitious information related to driver license issues, particularly the dates of September 5, 1989, where a driver license was suspended and a default judgment was filed, then on April 29, 2009, another driver's related item was suspended and on November 6, 2009, a driver's related item was cancelled and finally at the top of the page, it shows a driver's license expiration date of July 16, 1998, and all of the above information is false because Petitioner was only issued driver license in the state of Florida for the first time on May 10, 2019. Then Petitioner received an email from ALEA, DLD Chief, dated June 26, 2018, conspiring with Florida DHSMV, attempting to concoct a narrative to justify placing the illegal hold on Petitioner's driver privileges for over twenty years, by claiming that some error

occurred when his Alabama Driver license was reported suspended and his Florida I D card was shown as expired ***(See comp. E-8).*** The above-mentioned email is insinuating that Petitioner had a Florida I D card and an Alabama driver license simultaneously but neither of those DMV agencies have documentation to prove such an assertion. And further Petitioner never lived or had an I D card in Florida until the early parts of the year 2000, so the email is the falsification of government document and proof of a conspiracy between Alabama and Florida DMV. Petitioner sent a certified complaint with supporting exhibits attached, to the Florida DHSMV, Inspector General Office on July 23, 2018, and on July 27, 2018, Petitioner received a falsely manufactured government letter from the Florida DHSMV, Inspector General acknowledging the reception of Petitioner's complaint and the accompanying exhibits and it further identifies the main issue of the complaint, which was driver's privileges and it continued asserting that after reviewing Petitioner's concerns he determined that the Alabama driver license issue would be best handled by the originator of the crimes, which was Florida DHSMV, Motorist Services but failed to report the violation to the proper authorities or investigate the matter ***(See comp. E-12).*** Then on August 31, 2018, Petitioner received a falsely fabricated government document from Florida DHSMV, Motorist Services, asserting that an error occurred when Petitioner's driver history was updated but failed to explain why it was updated and who requested such an action, then the letter went on to say that Florida DHSMV, system indicated that Petitioner's I D card had been

cancelled, when it had only expired ***(See comp. E-13),*** and they attached to that letter another falsified government document, which was a three-year driver's record history printout, that failed to show any I D card or driver license being cancelled, revoked, suspended or expired ***(See comp. E-14).*** Florida and Alabama DMV, have provided Petitioner with numerous fraudulent government documents to attempt to conceal all the crimes committed against Petitioner for over twenty years and those documents were filed with the Trial Court on July 15, 2022, to help bolster the factual grounds of this complaint but have not been utilized, accepted, or reviewed by the Trial Court, so Petitioner will introduce the following exhibits to this Court to show and prove that there has never been a legal problem with Petitioner's Alabama or Florida driver license or I D card. As stated above Petitioner received a three-year driver's history printout from Florida DHSMV, dated August 31, 2018, ***(See comp. E-14),*** and then Petitioner received a driver record printout dated March 29, 2021, from Florida DHSMV ***(See comp. E-19),*** then on January 11, 2021, Petitioner received a transcript of his Florida driver's record from Florida DHSMV, ***(See comp. E-18),*** and finally Petitioner requested a lifetime history of his Alabama driver license dated December 23, 2020 ***(See comp. E-17).*** None of the above documents show that Petitioner's I D card or driver license were ever suspended, revoked, cancelled or expired as claimed by the Florida DHSMV, Motorist Service's letter dated August 31, 2018 ***(See comp. E-13),*** or the ALEA, DLD, Chief email dated June 26, 2018 ***(See comp. E-8).*** Then displayed in

all of Florida DHSMV, driver's history documents was a false and fabricated original license issue date of August 6, 1987 ***(See comp. E-14,18,19),*** yet all of the Florida DHSMV, driver's records show and prove that Petitioner never had driver license in Florida until May 10, 2019, and only moved to Florida around the early part of the year 2000, and according to those same documents, the earliest date listed of the issuance of any Florida government document is January 30, 2014, so this proves that the above-mentioned Florida driver's record documents are fabricated and if this Court examine the Florida DHSMV, driver's record transcript dated January 11, 2021 ***(See comp. E-18),*** and the March 29, 2021, Florida driver history record ***(See comp. E-14),*** it would discover that the August 6, 1987, original license issue date is listed under the heading of prior state of Alabama, but according to the lifetime history of Petitioner's Alabama driver license, the earliest issue date on file in that document is August 4, 1994 ***(See comp. E-17),*** so the Respondents are inventing and concocting these documents to fit their narrative to try and justify criminal conduct.

6) Petitioner's lawsuit has no measurable injury indicated in the action.

Petitioner alleged that the Respondents conspired for over twenty years to punish him by means of placing an illegal hold on his driver's privileges, thereby producing economic lost and health issues due to the extreme stressful conditions in which Petitioner had to operate. Petitioner have lost, job wages, business revenue,

time away from the job and business and the devaluation of his mental and physical health due to the Respondents misconduct. Petitioner have been litigating this case for years, which has caused him the loss of time and resources, by forcing Petitioner to study law, business and organization protocols, rules, regulations and policies without the assistance of paralegals, advisors, or team members to research, investigate, proofread and type all motions and documents to help facilitate and accomplish the desired objective.

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN REFUSING TO REVIEW OR EXAMINE THE COMPLAINT AND ALL THE ACCOMPANYING EXHIBITS AND THE DENIAL OF THE MOTION TO PROCEED ON FORMA PAUPERIS?

7) Denial of Motion to proceed in forma Pauperis.

The Trial Court issued an order on July 27, 2022, utilizing ***28 U.S.C. §1915,*** asserting on page 1 and paragraph 1, that Petitioner's financial application support his claim of indigency ***(See App. A, 1a),*** and that statement alone proves that Petitioner's complaint should have never been dismissed based on the Court's argument that Petitioner failed to comply with ***Federal Rules of Civil Procedure,*** because there are three requirements stemming from the use of ***28 U. S.C. § 1915(e)(2)(B),*** which asserts, notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court

determines that the action or appeal, (a) is frivolous or malicious; (b) fails to state a claim on which relief may be granted; or (c) seeks monetary relief against a defendant who is immune from such relief. And since ***FRCP 8(a) and FRCP 10(b),*** only apply to a certain aspect of the of the total contents of the complaint and any such violation of those rules by a Pro se litigant should not result in the overall dismissal of the lawsuit, therefore the Trial Court not only erred in its decision, that asserted Petitioner failed to state a claim but the Court completely abused its discretion because the Trial Court never used any of the supporting exhibits in its argument nor did the Court point out or identify one single defect in the factual allegations of the complaint, it only alleged that Petitioner failed to comply with ***Federal Rules of Civil Procedure,*** without proving any such assertion. Then to add insult to injury the U.S. Court of Appeals alleged in its January 9, 2023, order, that as to frivolity, reasonable jurists would not debate the district court's dismissal of Petitioner's complaint for failure to state a claim and went on to deny the motion to proceed in forma pauperis because the appeal was alleged to be frivolous ***(See App. D, 12a).*** The U.S. Court Of Appeals Judge made a unilateral decision in Petitioner's case, while at the same time utilizing the plural terminology of jurists would not debate the Trial Court's dismissal actions, knowing that the Court was in total violation of ***28 U.S.C. § 46((c).*** In the lawsuit of *Neitze v. Williams,* 490 U.S. 319, 325 (1989), which states, a complaint filed in forma pauperis is not automatically frivolous within the meaning of ***28 U.S.C. §1915(d),*** because it failed

to state a claim under ***rule12(b)(6),*** the two standards were devised to serve distinctive goals and have separate functions. *Ellis v. United States,* 356 U.S. 674, 675 (1958) , which asserts, unless the issues raised by an indigent seeking leave in forma pauperis are so frivolous that the appeal would be dismissed in the case of a nonindigent litigant, the request for an indigent for leave in forma pauperis must be allowed. *Coppedge v. United States,* 369 U.S. 438 (1962), states that, since our statutes and rules make an appeal in criminal and civil cases a matter of right, the burden of showing that the right has been abused through the prosecution of frivolous litigation and should at all times, be on the party making the suggestion of frivolity. There are requirements for frivolous claims, and they are as follows: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputable meritless theory; *Livingston v. Adirondack Beverage Co.,* 141 F.3d 434,437 (2d Cir. 1998). In order for both the Trial Courts to establish the assertion of fail to state a claim, there are serious hurdles that must be overcome before any such defensive posture can be utilized as a bulwark in a legal argument and the Trial Courts must demonstrate that Petitioner did not meet the requirements listed below:

a) The Petitioner failed to offer an example of illegal activities.

b) The Petitioner failed to provide evidence to prove that the Appellees broke the law.

c) The Petitioner's lawsuit has no measurable injury indicated in the action.

Both of the above standard are being utilized by the Trial Court and the U.S. Court of Appeals interchangeably but they are separate and unequal; *See; Williams v. Faulkner 837 F.2d 304 (7th Cir 1988),* which states, the U.S. District Court wrongly equated the standard for failure to state a claim under ***FRCP 12(b)(6),*** with the standard for frivolousness under ***28 U.S.C. § 1915(d),*** and the frivolousness standard, authorizing sua sponte dismissal of an in forma pauperis complaint " only if the Petitioner cannot make any rational argument in law or fact, which would entitle him to relief, which is more lenient than that of ***Rule 12(b)(6).*** The Trial Court cannot just claim that Petitioner failed to do something without producing substantial proof, backing those allegations and for the Court to just argue that the complaint failed to comply with ***FRCP,*** and not perform critical analysis of the factual allegations and dissect them, then insert that information into the final decision, so that it could be presented and explained with clarity, to all parties involved. Pursuant ***28 U.S.C. § 1915(a)(1),*** titled, proceedings in forma pauperis, which asserts, subject to subsection (b), any court of the Untied States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or

appeal and affiant's belief that the person is entitled to redress. The above quoted federal rule is pertaining to forma pauperis and the language therein, appears to be completely focus on prisoners not necessarily the poor and the question must be asked why is that so relevant? First the legal Latin definition for forma pauperis, is as follows: in the character or manner of a pauper. It refers to the ability of an indigent person to proceed in court without payment of the usual fees associated with a lawsuit or appeal. What is the meaning of pauper? According to legal definition which means, a person destitute of means except such as are derived from charity, one who receives aid from funds designated for the poor. So, basically ***28 U.S.C. § 1915,*** is geared toward those who are incarcerated, and it implies that if a person is constricted to poverty, then they are legally prisoners, so the question must be asked, is forma pauperis a right or a privilege? Based upon the ***U.S. Constitution 1st Amendment,*** it sates, or abridging the freedom of speech, or to petition the government for redress of grievances. The ***5th Amendment,*** asserts, nor be deprived of life, liberty, or property without due process of law, and the ***14th Amendment,*** states, 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 any person within its jurisdiction the equal protection of the law. This signifies that the Trial Court has totally violated Petitioner's Constitutional Rights, by denying him forma pauperis, which means the Court is punishing Petitioner for being poor,

thereby interfering with the right to petition the court, freedom of speech, denial of protected privileges and due process of law. And further forma pauperis is also a privilege but it's secured by the ***14th Amendment,*** and Petitioner understand the benefits in receiving the financial waiver from the government, but he also knows the responsibilities of those entities to protect the rights of the citizens to be able to entreat the court to redress their grievances.

8) Trial and the Appeals Courts failed to review and examine the complaint and the accompanying exhibits.

In the Trial Court order and recommendation dated July 27, 2022, and August 17, 2022, which asserted that Petitioner's initial and amended complaints did not meet the threshold pleading requirement standard, even after Petitioner attempted to rectify some of the alleged issues but the Trial Court still rejected both complaints without identifying the specific areas where the alleged deficiencies occurred ***(See App. A, 1a-5a).*** If the Trial Court was genuine in its argument that Petitioner failed to comply with Federal Rules of Civil Procedure, failed to state a claim and failed to state a basis for the court jurisdiction, the Trial Court should have excepted the modification in the amended complaint and ruled on the merits of the factual allegations in the action and utilized the supporting evidence because the Trial Court quoted case law several times, declaring that a Pro se litigant pleadings are held to a less stringent standard than pleadings drafted by lawyer.

So, in Petitioner's sincere effort to comply with the Court's order it should have forced the Trial Court to render a more lenient judgment than it did, but the question must be asked, what is the basis for the Trial Court decisions? Petitioner filed a 41-page complaint with 32 complex and supportive exhibits, in the Trial Court on July 27, 2022, and within less than a two-week period of time the Court arrived at a convoluted narrative that defies legal interpretations and with all the factual evidence presented to the Trial Court, it still claimed that Petitioner failed to state a claim.

Failure to state a claim requirement.

a) Petitioner failed to offer an example of illegal activities.

b) Petitioner failed to provide evidence to prove that the Appellees broke the law

c) Petitioner's lawsuit has no measurable injury indicated in the action.

Petitioner alleged that on September 5, 1989, the Respondents conspired with an unknown attorney to falsify government records and use an illegal document "(default judgment)" to commit intra-interstate crimes ***(See comp. E-4).*** Then the Respondents conspired with Alabama DMV to fabricate a false government email to try and justify the illegal hold placed on Petitioner's drive license ***(See comp. E-8),*** and further the Respondents fabricated another government document, where they refused to investigate all the crimes committed against Petitioner for over twenty years ***(See comp. E-12),*** then the Respondents falsified a government document, by

asserting that Petitioner had legal issues with his Florida I D card and his Alabama driver license, when no such problem ever existed ***(See comp. E-13).*** Then the Respondents sent Petitioner a fabricate government document, filled with complete misinformation concerning Petitioner's drive license and I D card, which showed and proved that neither were ever suspended, revoked, cancelled or expired ***(See comp. E-14),*** and finally Petitioner received a driver's history printout from Alabama DMV, dated December 23, 2020 ***(See comp. E-17),*** then Petitioner received a driver's record transcript dated January 11, 2021 from Florida DHSMV ***(See comp. E-18),*** Petitioner then received a driver's record from Florida DHSMV, dated March 29, 2021 ***(See comp. E-19),*** and as mentioned earlier Petitioner received a driver record printout from Florida DHSMV, dated August 31, 2018, ***(See comp. E-14).*** The Trial Court had all the above information in their possession but refused to acknowledge the existence of such and failed to review that crucial and critical evidence set before them, but after Petitioner amended his complaint and warned the Trial Court of their unjust conduct and informed the Court that the exhibits needed careful examination and the complaint should be seriously studied to extract the facts and apply them to the Court final decision, yet the Trial Court ignored the advice of Petitioner and illegally dismissed the case without proper justification are without reporting the criminal activities of the Respondents to the proper authorities as required by ***18 U.S.C. § 4.***

CONCLUSION

For the foregoing reasons, Petitioner, Noel Vincent Thomas respectfully request that the Trial Court's order denying Plaintiff's motion to proceed in forma pauperis and the dismissal of this action without prejudice be reversed and this case be remanded for adjudication on the merits.

Respectfully Submitted,

Noel Vincent Thomas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day, of April 2023, the foregoing was not required or served on the Respondents due to the Trial Court and the U.S. Court of Appeals failure to serve the summons and complaint upon the Respondents and by the denial of Petitioner's motion for leave in forma pauperis and the dismissal of the complaint.

Noel Vincent Thomas

APPENDIES FOR WRIT OF CERTIORARI