

IN THE
SUPREME COURT OF THE UNITED STATES

APPEAL CASE NOS. 21-14479/22-10852

AMENDED MOTION FOR EXTENSION OF TIME

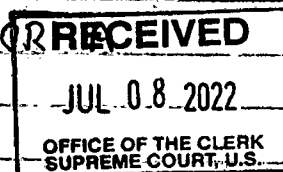
COMES NOW THE PETITIONER CARMEN A. ZAMMIELLO,
PRO-se, PURSUANT TO THE SUPREME COURT RULES
OF PROCEDURE APPLICABLE TO "MOTIONS FOR
EXTENSION OF TIME" AS SET OUT BY RULE 13.1
AND 13.5 COLLECTIVELY AND RESPECTFULLY
MOVES THIS HONORABLE COURT TO ISSUE AN
ORDER "EXTENDING THE TIME TO FILE MY
PETITION FOR WRIT OF CERTIORARI FOR 90
DAYS AFTER JUNE 21ST 2022, FOR GOOD CAUSE
SHOWN BELOW" THE PETITIONER STATES THE
FOLLOWING:

1. JURISDICTION

THE JURISDICTION OF THIS COURT IS INVOKED
UNDER 28 U.S.C. sec. 1254(1), sec. 1651(a) 3, 2241.

2. REASONS FOR GRANTING THE
INSTANT MOTION FOR EXTENSION OF TIME.

(a) THAT THIS CASE ARISES OUT OF THE FALSE
ARREST/ FALSE IMPRISONMENT AND ILLEGAL
DETENTION OF THE PETITIONER FOR



NONEXISTENT CRIME, WITHOUT REASONABLE SUSPICION, PROBABLE CAUSE, A VALID COMPLAINT OR WARRANT AND WITHOUT DUE PROCESS OR EQUAL PROTECTION OF LAW, IN VIOLATION OF THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES AND IS IMPORTANT FOR THE ISSUES IT RAISES AS TO THE CONTINUED VITALITY AND VALIDITY OF THE GREAT WRIT OF HABEAS CORPUS, CREATED BY CONGRESS IN ITS INTERPRETATION OF STATUTES AND EMBODIED IN THE FEDERAL CONSTITUTION AND AS SUCH IS TRUE, "HABEAS CORPUS RELIEF IS AVAILABLE ONLY IN CASES WHERE THE CLAIMS WERE ADJUDICATED ON MERITS AND THE ADJUDICATION RESULTED IN A DECISION CONTRARY TO, OR THAT INVOLVED AN UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW, AS DETERMINED BY THIS COURT, OR WAS BASED ON AN UNREASONABLE DETERMINATION OF THE FACTS, IN LIGHT OF THE EVIDENCE PRESENTED IN THE STATE COURT PROCEEDING..." See e.g. CE. ESTELLE - V - MCQUIRE, SUPRA, Id. 502 U.S. 62 (1991) (SAME) (HOLDING THAT: "[A] STATE PRISONER IS ENTITLED TO HABEAS RELIEF UNDER 28 U.S.C. SEC. 2254 ONLY IF HE IS HELD IN CUSTODY IN VIOLATION OF THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES"). HILTON - V - BRAUN - SKILL, SUPRA, Id., 481 U.S. 770 (1987) (SAME)

(STATING THAT: "[FEDERAL HABEAS COURTS ARE AUTHORIZED UNDER 28 U.S.C. Sec. 2243 TO DISPOSE OF HABEAS MATTERS, AS LAW AND JUSTICE REQUIRE]"). PULLEY - V - HARRIS, SUPRA, Id., 465 U.S. 37 (1984) (SAME) AND WILLIAMS - V - TAYLOR, SUPRA, Id., 529 U.S. 362 (2000) (FACTUALLY THE SAME) (QUOTING 28 U.S.C. Sec. 2254(d)).

(b) THAT IN THE CASE SUB JUDICE, THE PETITIONER CONTENDS THAT: THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT HAS ENTERED A DECISION IN CONFLICT WITH THE DECISIONS OF THIS COURT AND OTHER UNITED STATES COURT OF APPEALS, ON THE SAME IMPORTANT MATTER, "BY ARBITRARY DECIDING AN IMPORTANT FEDERAL QUESTION, IN A WAY THAT CONFLICTS WITH THE ERRONEOUS DECISION (EX "B-1") OF THE STATE COURT OF LAST RESORT AND THUS, 'HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AND FAILED TO SANCTION SUCH A DEPARTURE BY THE LOWER DISTRICT COURT', VEHEMENTLY CALLS FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER. ." [SEE EX "A" AT PP. 1 - 16 AND COMPARE TO EX "B" AT PP. 1 - 9 AND EX "B-1" COLLECTIVELY];

e.g. CF JONES - v - BOCK, SUPRA, Id, 549 U.S. 199
(2007)(SAME)(HOLDING THAT: "[A]PPELLATE
COURT ERRED . . . IN DISMISSING ALL OF
PRISONER'S sec 1983 CLAIMS BASED SOLELY
ON [PROCEDURAL GROUNDS] AS REQUIRED
BY PLRA FOR ALL CLAIMS STATED"); SLACK -
MCDANIEL, SUPRA, Id 529 U.S. 473 (2000)
(SAME)(REITERATING THAT: "[W]HEN THE DISTRICT
COURT DENIES A HABEAS PETITION ON [PRO-
CEDURAL GROUNDS] WITHOUT REACHING THE
PRISONER'S UNDERLYING CONSTITUTIONAL
CLAIM, 'A COA SHOULD ISSUE' WHEN THE
PRISONER SHOWS, AT LEAST, THAT . . . JURISTS
OF REASON WOULD FIND IT DEBATABLE WHETHER
THE DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL
RULING"). GUY - v - U.S., SUPRA, Id. 2018 U.S.
DIST. LEXIS 42799 (S.D. GA. MAR. 2018)(SAME)
(CITING SLACK - v - MCDANIEL (2000)) AND
MILLER - v - DONALD, SUPRA, Id. 541 F 3d 1091
(11th CIR 2008)(FACTUALLY THE SAME AS
PETITIONERS CASE)(CITING JONES - v -
BOCK (2007)).

MOREOVER, THE ELEVENTH CIRCUIT COURT OF
APPEALS VAGUE OR PROLIX ERRONEOUS DECI-
SION TO ARBITRARY "SUMMARY DISMISS MY
APPEAL ALLEGEDLY FOR WANT OF PROSE-
CUTION BECAUSE I FAILED TO PAY THE
FILING AND DOCKETING FEE TO THE DIS-
TRICT COURT" VEHEMENTLY APPEARS TO

TO BE SUSPECT AND HAS INTERFERED WITH MY RIGHT OF ACCESS TO THE COURTS AND IS A DEPARTURE FROM THE ESSENTIAL REQUIREMENTS OF LAW AND A CLEAR VIOLATION OF DUE PROCESS, RESULTING IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE, BECAUSE ACCESS TO THE COURTS IS UNQUESTIONABLY A RIGHT OF CONSIDERABLE CONSTITUTIONAL SIGNIFICANCE AND THUS, WHEN SUCH FUNDAMENTAL INTERESTS ARE AT STAKE, 'MY INABILITY TO PAY THE FILING FEES' SHOULD NOT BE A BARRIER TO MY ACCESS TO THE JUDICIARY. . ." [see EX "A" AT PP. 9-16 AND COMPARE TO EX "B" AT PP. 5-9, COLLECTIVELY]; e.g. CE. JONES - V - BOCK, SUPRA, Id. AT Pg. 4, (2007)(SAME); MILLER - V - DONALD, SUPRA, Id. AT Pg. 4, (11th CIR. 2008)(SAME)(CITING BOUNDS - V - SMITH(1977)); DEWITT - V - PAIL, SUPRA, Id. 366 F.2d 682 (9th CIR. 1966)(SAME)(STATING THAT: "[R]EASONABLE ACCESS TO THE COURTS, STATE AND FEDERAL, IS GUARANTEED BY THE DUE PROCESS CLAUSE OF THE 14th AMENDMENT"); RYLAND - V - SHAPIRO, SUPRA, Id. 708 F.2d 967 (5th CIR. 1983)(FACTUALLY THE SAME)(QUOTING BOUNDS - V - SMITH(1977) AND 28 U.S.C. sec. 1915 (b)(4) (2022)(SAME)(CONCLUDING THAT: "[I]N NO EVENT SHALL A PRISONER BE PROHIBITED FROM BRINGING A CIVIL ACTION OR APPEALING A CIVIL OR CRIMINAL JUDGMENT FOR THE REASON

THAT THE PRISONER HAS NO ASSETS AND NO MEANS BY WHICH TO PAY THE INITIAL PARTIAL FILING FEE"), ARE THE PERSUASIVE/APPLICABLE AUTHORITIES TO THE FACTS IN SUPPORT OF THE INSTANT MOTION FOR EXTENSION OF TIME TO FILE MY PETITION FOR WRIT OF CERTIORARI AND THE RELIEF SOUGHT THEREIN.

3. CONCLUSION

WHEREFORE, FOR ALL THE FOREGOING COMPELLING REASONS, THE PETITIONER CARMEN A. ZAMMIELLO, HUMBL Y PRAYS THIS HONORABLE COURT GRANTS AN EXTENSION OF TIME IN THIS ACTION, "EXTENDING THE TIME FOR 90 DAYS AFTER JUNE 21ST 2022, TO FILE MY PETITION FOR WRIT OF CERTIORARI OR ANY OTHER SUCH RELIEF AS JUSTICE SO REQUIRES." [SEE EX "A" AT PP. 1-16 AND COMPARE TO EX "B" AT PP. 1-9 AND EX "A-1" COLLECTIVELY]; e.g. SUPREME COURT RULES 13.1 AND 13.5, COLLECTIVELY, (2022).

JUNE 27th 2022
DATE

IT IS SO PRAYED,

/s/ Carmen A. Zammieollo
PETITIONER, # 083535

PROOF OF SERVICE

RECEPTION MEDICAL CENTER
DATE: JUNE 30th 2022
INMATE INITIALS: C.A. 3

I, CARMEN A. ZAMMIELLO, DO SWEAR OR DECLARE
THAT ON THIS DATE, JUNE 30th, 2022,
AS REQUIRED BY SUPREME COURT RULE 29
I HAVE SERVED THE FOREGOING "AMENDED
MOTION FOR EXTENSION OF TIME TOGETHER
WITH THE ATTACHED EXHIBITS (A - B)" ON
EACH PARTY TO THE ABOVE PROCEEDING OR
THAT PARTY'S COUNSEL BY PLACING THE ABOVE
DOCUMENTS IN THE HANDS OF PRISON OFFICIALS
AT RMC - M/U FOR MAILING VIA U.S. MAIL TO:
ASHLEY MOODY, AG., OPPOSING COUNSEL, OFFICE
OF THE ATTY. GENERAL, THE CAPITOL, PL-01,
TALLAHASSEE FL. 32399 · SOLICITOR GENERAL
OF THE U.S., RM. 5614, Dept. OF JUSTICE, 950
PENNSYLVANIA AVE, N.W., WASHINGTON, D.C.,
20530 AND CLERK'S OFFICE, U.S. SUPREME COURT,
1 FIRST ST. N.W., WASHINGTON, D.C. 20543, FOR
PROCESSING WITHIN 3 CALENDAR DAYS.

I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON JUNE 30th 2022 [SEE EX "A-1"]

/s/ Carmen A. Zammello
PETITIONER, PRO-se, # 083535
RMC - M/U
PO BOX 628
LAKE BUTLER, FL 32054

RECEIVED ON: WED. JUNE 22ND 2022

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 16, 2022

[EX "A-1"]

Carmen A. Zammiello
083535
P.O. Box 628
Lake Butler, FL 32054

RE: Zammiello v. Banks, et al.
USCA11 No. 22-10852

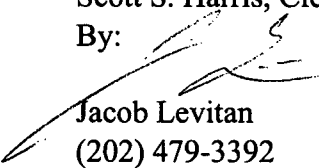
Dear Mr. Zammiello:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked June 7, 2022 and received June 15, 2022. The application is returned for the following reason(s):

The application does not set forth with specificity the reasons why the granting of an extension of time is thought justified. Rule 13.5.

A copy of the corrected application must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By:


Jacob Levitan
(202) 479-3392

Enclosures

EXHIBIT 'A'

CASE NO: 8:21-CV-02714-CEH-JSS

APPEAL NO: 21-14479

DISTRICT COURT ORDER (DOC # 3) 3 - PAGES

NOTICE OF APPEAL 5 - PAGES

2 NOTICE OF INQUIRIES AS TO STATUS OF APPEAL
CONSISTING OF 3 - PAGES.

RESPONSE TO APPEAL FOR MY 28 U.S.C.

Sec. 2254 HABEAS PETITION 5 - PAGES.

TOTAL PAGES FOR EXHIBIT "A" = 16 PAGES

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CARMEN A. ZAMMIELLO,

Petitioner,

-vs-

Case No. 8:21-cv-2714-CEH-JSS

SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

ORDER

Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 (“petition”) challenging a state court conviction entered in 2005 in case number 04-04372 (Doc. 1). The Court has undertaken the preliminary review mandated by Rule 4, Rules Governing Section 2254 Cases, and concludes that the petition is subject to summary dismissal, without prejudice.

Because Petitioner filed his request for federal habeas relief after the enactment date of the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), the petition is governed by the provisions thereof. *See Wilcox v. Singletary*, 158 F.3d 1209, 1210 (11th Cir. 1998), *cert. denied*, 531 U.S. 840 (2000). The AEDPA contains several habeas corpus amendments, one of which established a “gatekeeping” mechanism for the consideration of “second or successive habeas corpus applications” in the federal courts, *see* 28 U.S.C. §

X

2244(b). *See Stewart v. Martinez-Villareal*, 523 U.S. 637, 641-42 (1998). Section 2244(b) provides, in pertinent part, that before a second or successive application for habeas corpus relief is “filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

Petitioner has previously sought federal habeas relief in this Court regarding the conviction he challenges in this action. *See Zammiello v. Secretary, Department of Corrections*, Case No. 8:13-cv-2285-T-30TGW (M.D.Fla.) (petition dismissed as time-barred April 14, 2014).¹ The instant petition therefore is a successive petition. Petitioner, however, has not shown that he has received authorization from the court of appeals to file a successive habeas petition. Consequently, this Court lacks jurisdiction to grant Petitioner relief. *See Gilreath v. State Bd. of Pardons & Paroles*, 273 F.3d 932, 933 (11th Cir. 2001). Therefore, under § 2244(b)(3), this case will be dismissed without prejudice to Petitioner to seek authorization from the Eleventh Circuit Court of Appeals to file a successive habeas corpus petition in this Court.

Accordingly:

¹ Petitioner has since filed several petitions challenging the same conviction, all of which have been dismissed as unauthorized second or successive petitions. *See Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:15-cv-1747-T-35JSS; *Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:15-cv-2127-T-33AEP; *Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:16-cv-2542-T-36JSS; *Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:17-cv-1446-T-23TBM; *Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:18-cv-1142-T-23MAP; *Zammiello v. Sec’y, Dep’t of Corr.*, case no. 8:18-cv-2877-T-36AAS; and *Zammiello v.*

1. Petitioner's petition for a writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice as an unauthorized successive petition.

2. The **Clerk** is directed to send to Petitioner the Eleventh Circuit's form for second or successive habeas corpus petitions under 28 U.S.C. § 2244(b), terminate all pending motions, and close this case.

ORDERED in Tampa, Florida, on November 30, 2021.


Charlene Edwards Honeywell
United States District Judge

Copy to: Pro se Petitioner

Sec'y, Dep't of Corr., case no. 8:20-cv-1447-MSS-JSS.

PROVIDED TO
CHARLOTTE CI
ON 11/20/21 FOR MAILING
BY DU

MY COPY

MAILED OUT ON:
MON. Dec. 20th 2021

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CARMEN A. ZAMMIELLO,
Petitioner/APPELLANT,

v.

CASE NO. 8:21-CV-2714/ CEH-JSS

MARK S. INCH, secy et al,
RESPONDENT/APPELLEE

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT CARMEN A. ZAMMIELLO,
THE PETITIONER/APPELLANT, PRO-SE, HEREBY
APPEALS TO THE ELEVENTH CIRCUIT COURT OF
APPEALS THE ERRONEOUS ORDER(S) OF THE DISTRICT
COURT, ENTERED IN THIS ACTION ON NOV. 30th 2021
(DOC. 3) AND ON DEC. 14th 2021, (DOCS. 6 AND 7)
COLLECTIVELY BECAUSE THE DISTRICT COURT ERRED
AND/OR ABUSED ITS DISCRETION BY "ARBITRARY
DEPARTING FROM THE ESSENTIAL REQUIREMENTS
OF LAW AND REFUSING TO AFFORD PROCEDURAL
DUE PROCESS, 'RESULTING IN A FUNDAMENTAL
MISCARRIAGE OF JUSTICE. . . ."

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, THAT A TRUE AND CORRECT COPY
OF THE FOREGOING "NOTICE OF APPEAL" HAS BEEN
PLACED IN THE HANDS OF PRISON OFFICIALS FOR

MAILING VIA U.S. MAIL TO: ASHLEY MOODY, A.G.
OFFICE OF THE ATTORNEY GENERAL, CONCOURSE CENTER
4, 3507 E. FRONTAGE Rd, TAMPA, FL, 33607 AND
CLERK'S OFFICE, U.S. DISTRICT COURT, MIDDLE
DISTRICT, 801 N. FLORIDA AVE, TAMPA, FLORIDA,
33602, ON THIS 20th DAY OF Dec. 2021, FOR PRO-
CESSING.

/s/ Carmen A. Zammiello
PETITIONER/APPELLANT, #083535
CHARLOTE C. I.
33123 OIL WELL Rd.
PUNTA GORDA, FL. 33955

21-14479

RECEIVED ON: THURS. JAN.
20th 2022 (C I P)

PROVIDED TO
CHARLOTTE CI
ON 1/21/22 FOR MAILING
BY ON C I P

MY COPY

Carmen A. Zammiello
#083535
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

MAILED OUT ON: FRI.
JAN. 21st. 2022

6 OF 16

PAGE ~~1~~ OF 3

PROVIDED TO
CHARLOTTE CI
ON 1/20/22 FOR MAILING
BY DU COB

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 11, 2022

Carmen A. Zammiello
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

Appeal Number: 21-14479-F
Case Style: Carmen Zammiello v. Secretary, Department of Corrections, et al
District Court Docket No: 8:21-cv-02714-CEH-JSS

You are receiving this notice because you have failed to comply with 11th Cir. R. 26.1-1
Certificate of Interested Persons and Corporate Disclosure Statement (CIP): Filing
Requirements by:

- not filing a standalone CIP within the time required by 11th Cir. R. 26.1-1(a).

Pursuant to 11th Cir. Rules 26.1-5(c) and 42-1(b), upon expiration of 14 days from the date of this notice, your appeal will be dismissed for want of prosecution if the default has not been remedied.

Eleventh Circuit Rule 42-1(b) also states, "If an appellant is represented by appointed counsel, the clerk may refer the matter to the Chief Judge for consideration of possible disciplinary action against counsel in lieu of dismissal."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Dionne S. Young, F
Phone #: (404) 335-6224

Enclosure

7 OF 16

2 OF 3

PROVIDED TO
CHARLOTTE CI
ON 1/21/22 FOR MAILING
BY DK CAJ

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT (CIP)

ZAMMTELLO vs. Secy DEPT OF CORR Appeal No. 21-14479-F
11th Cir. R. 26.1-1(a) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(please type or print legibly):

- STEPHAINE BANKS - POLICE OFFICER
- RICKY DIXON - Secy. FDOC, ET AL
- CHARLENE HONEYWELL - U.S. DIST. JUDGE
- DAVID MAUCH - POLICE OFFICER
- ASHLEY MOODY - ATTY. GENERAL
- MARIO MANETA - PRIVATE PERSON
- RICHARD LUCE - Ret. STATE CIRCUIT COURT JUDGE
- JULIE SNEED - U.S. MAG. JUDGE
- U.S. DISTRICT COURT, MIDDLE DISTRICT, TAMPA, FL

MAILED OUT ON:

DATE 4/25/2022 :
INITIALS e.g.

MY COPY
9 OF 16

MON. APRIL 25th 2022

IN THE UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

CARMEN A. ZAMMIELLO,
NEXT FRIEND TO REAL
PARTY IN INTEREST
JOHN J. BROWN,
APPELLANTS

CASE NOS. 21-14479
22-10852
22-10768

V.

SECY. DEPT OF CORR. & CI
APPELLEES

NOTICE OF INQUIRY

DEAR CLERK,

THE APPELLANT CARMEN A. ZAMMIELLO, HEREBY INQUIRES AS TO THE CURRENT STATUS OF "ALL THE ABOVE APPEALS IN THE ABOVE-STYLED ACTIONS STILL PENDING IN YOUR COURT." FURTHER, I RESPECTFULLY REQUEST ANY AND ALL INFORMATION CONCERNING SUCH TO BE PROVIDED TO ME AT THE ADDRESS LISTED BELOW. See e.g. CF. WHITMORE-V-ARKANSAS, SUPRA, Id., 495 U.S. 149 (1990) (SAME) AND RYLAND-V-SHAPIRO, SUPRA, Id. 708 F.2d 967 (5th CIR. 1983) (FACTUALLY THE SAME) (QUOTING BOUNDS -V-SMITH)).

RESPECTFULLY SUBMITTED,

APR 23RD 2022

DATE

/s/ Carmen A ZammIELLO
APPELLANT, # 083535
RMC - M/U
PO BOX 628
LAKE BUTLER, FL. 32054

MY COPY

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CARMEN A. ZAMMIELLO,
NEXT FRIEND TO REAL
PARTY IN INTEREST
JOHNATHAN BROWN,
APPELLANTS

RECEPTION AND MEDICAL CENTER
DATE: 5/16/22
INMATE INITIALS: C.A.Z.

CASE NOS. 21-14479
22-10852
22-10768

v.
SECRETARY, DEPT OF
CORR. et al.,
APPELLEES,

SECOND NOTICE OF INQUIRY

DEAR HON. CLERK D. SMITH,

THE APPELLANT CARMEN A. ZAMMIELLO, HEREBY
INQUIRES AGAIN AS TO THE CURRENT STATUS
OF ALL THE ABOVE-STYLED APPEALS STILL PENDING
IN YOUR COURT BECAUSE SINCE I WAS CONVICTED
OF A NONEXISTENT OFFENSE THERE IS A CLEAR
VIOLATION OF FEDERAL DUE PROCESS PRINCIPLES
ENTITLING ME TO HABEAS CORPUS RELIEF UNDER
28 U.S.C. SEC. 2254(d), AND AS SUCH IS TRUE,
"DELAY HAUNTS THE ADMINISTRATION OF JUSTICE
AND IT POSTPONES THE RECTIFICATION OF WRONG
AND THE VINDICATION OF THE UNJUSTLY ACCUSED,
WHERE UNDER THE CONSTITUTION, THE RIGHT OF
ACCESS TO THE COURTS IS GUARANTEED' AND

PROTECTED FROM UNLAWFUL INTERFERENCE
AND DEPRIVATIONS BY THE STATE AND ONLY
COMPELLING STATE INTERESTS WILL JUSTIFY
SUCH INTRUSIONS. . ." FURTHER, THE APPELLANT
HUMBLY PRAYS AND RESPECTFULLY REQUESTS ANY
AND ALL INFORMATION CONCERNING SUCH TO
BE PROVIDED TO ME ~~AT~~ THE ADDRESS LISTED
BELOW. see e.g. cf. ROMANS 13:1, SUPRA, Id.
KJV (1611)(SAME). PROVERBS 3:5-6, SUPRA, Id.
KJV (1611)(SAME)'; WHITMORE - V - ARKANSAS,
SUPRA, Id. 495 U.S. 149 (1990)(SAME); CLARK
- V - CROSBY, SUPRA, Id. 335 F.3d 1303, 1313
(11th CIR. 2003)(SAME); RHEUARK - V - SHAW,
SUPRA, Id. 628 F.2d 297 (5th CIR. 1980)(SAME)
AND DONALDSON - V - O'CONNOR, SUPRA, Id. 493
F.3d 507 (5th CIR. 1974)(FACTUALLY THE SAME
AS APPELLANT'S CASE), EX. "A" AT PP. 1-6

IT IS SO PRAYED,

MAY 11th 2022

DATE

/s/ Carmen A. Zammieles

APPELLANT, # 083535

BMC - M/U

PO BOX 628

LAKE BUTLER, FL. 32054

21-14479

RECEIVED ON: TUES. JUNE 14th 2022
AT RMC-M/U

Carmen A. Zammiello
#083535
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

RESPONSE TO APPEAL FROM MY
28 U.S.C. SEC. 2254 HABEAS CORPUS
RECEIVED ON: TUES. JUNE 14th
2022, AT RMC-M/U

12 OF 16

PAGE 1 OF 5

"RECEIVED ON: TUES. JUNE 14th AT RMC - M/U"

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 20, 2022

Carmen A. Zammiello
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

Appeal Number: 21-14479-F
Case Style: Carmen Zammiello v. Secretary, Department of Corrections, et al
District Court Docket No: 8:21-cv-02714-CEH-JSS

Mr. Zammiello:

The court is in receipt of your letter of inquiry entitled: 2nd request. Sir, this appeal is closed and has been since February 15, 2022, as stated in the letter inquiry response sent to you on April 29, 2022.

No action will be taken in this appeal unless all deficiencies are satisfied and a proper motion to reinstate received.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Dionne S. Young, F
Phone #: (404) 335-6224

NOTE: NEVER RECEIVED "ANY APRIL 29th RESPONSE TO NOTICE OF INQUIRY AT RMC - M/U OR AT CHARLOTTE C.I. SEE INCOMING MAIL LOG SHEET FOR RMC

13 OF 16

2 OF 5

" RECEIVED ON: TUES. JUNE 14th AT RMC-M/U "

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 02, 2022

Carmen A. Zammiello
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

Appeal Number: 21-14479-F
Case Style: Carmen Zammiello v. Secretary, Department of Corrections, et al
District Court Docket No: 8:21-cv-02714-CEH-JSS

Mr. Zammiello:

The court is in receipt of your letter of inquiry. This appeal is closed and has been since February 15, 2022.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Dionne S. Young, F
Phone #: (404) 335-6224

14 OF 16

3 OF 5

" RECEIVED ON: TUES. JUNE 14th AT RMC-M/U "

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

February 15, 2022

Clerk - Middle District of Florida
U.S. District Court
801 N FLORIDA AVE
TAMPA, FL 33602-3849

Appeal Number: 21-14479-F
Case Style: Carmen Zammiello v. Secretary, Department of Corrections, et al
District Court Docket No: 8:21-cv-02714-CEH-JSS

The enclosed copy of the Clerk's Order of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Any pending motions are now rendered moot in light of the attached clerk's order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Dionne S. Young, F
Phone #: (404) 335-6224

Enclosure

15 OF 16

41 OF 5

" RECEIVED ON: TUES. JUNE 14th AT RMC - M/U "

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-14479-F

CARMEN A. ZAMMIELLO,

Petitioner - Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Carmen A. Zammiello failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules; Motion for certificate of appealability is MOOT due to the clerk's order being entered.

Effective February 15, 2022.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

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M A N D A T E

[EX "B-1"]

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

SECOND DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL, AND
AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS
BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF
THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER,
AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE ROBERT MORRIS CHIEF JUDGE OF THE
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND
THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

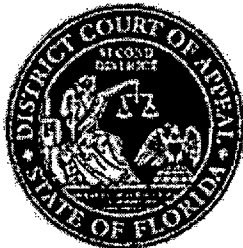
DATE: October 29, 2021

SECOND DCA CASE NO. 21-1938

COUNTY OF ORIGIN: Charlotte

LOWER TRIBUNAL CASE NO. 21-630-CA

CASE STYLE: CARMEN A. ZAMMIELLO v. STATE OF FLORIDA



Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel
Clerk

cc: (without attached opinion)
ATTORNEY GENERAL, TAMPA
CARMEN A. ZAMMIELLO

C. SUZANNE BECHARD, A.A.G.
ROGER EATON, CLERK

mep

EXHIBIT 'B'

CASE NO. 8:18-cv-02988-VMC-CPT

APPEAL NO. 22-10852

DISTRICT COURT ORDER (DOC # 23) 2-PAGES

NOTICE OF APPEAL 4-PAGES

RESPONSE TO APPEAL FOR MY 42 U.S.C.

Sec. 1983 AMENDED CIVIL RIGHTS COMPLAINT

FILED ON JAN. 5th 2022, AND RECEIVED

ON JUNE 1st 2022, 3-PAGES

TOTAL PAGES FOR EXHIBIT "B" = | 9 PAGES

RECEIVED ON: FRI. MAR. 11th 2022

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CARMEN A. ZAMMIELLO,

Plaintiff,

v.

Case No. 8:18-cv-2988-VMC-CPT

STEPHANIE A. BANKS, *et al.*,

Defendants.

ORDER

Plaintiff Carmen A. Zammiello moves for a jury trial. (Doc. 16.) Upon consideration, the Court **ORDERS** that the motion is **DENIED**.

Zammiello initiated this action by filing a 42 U.S.C. § 1983 civil rights complaint. (Doc. 1.) He moved to proceed *in forma pauperis*. (Doc. 2.) The Court found that Zammiello was prevented from proceeding *in forma pauperis* because had three “strikes” under 28 U.S.C. § 1915(g). That section provides that a prisoner may not bring a civil action if he has, “on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Accordingly, this case was closed. (Doc. 5.) Zammiello’s appeal was dismissed for lack of prosecution. (Doc. 15.)

PAGE 1 OF 9


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The Court later dismissed Zammiello's motion for a preliminary injunction without prejudice to his filing a new action in a new case number. (Docs. 16, 17.) Zammiello's appeal of that order was dismissed for lack of prosecution. (Doc. 20.)

Zammiello now moves for a jury trial, appearing to contend that he suffers a continuing injury due to the alleged unconstitutional acts of Defendants. He also appears to argue that his complaint should not have been dismissed prior to allowing him an opportunity to amend it. Zammiello's motion must be denied. As this case is closed, there is no basis to proceed to a jury trial. Further, Zammiello does not establish that his complaint was improperly dismissed at the screening stage under 28 U.S.C. § 1915(g).

Accordingly, the Court **ORDERS** that Zammiello's motion for a jury trial (Doc. 21) is **DENIED**.

ORDERED in Tampa, Florida, on March 4, 2022.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

2 OF 9
~~3 OF 9~~

MAILED OUT ON:
TUES. MAR. 15th 2022

MY COPY

PROVIDED TO CHARLOTTE
CORRECTIONAL INSTITUTION
ON 3/15/22 FOR MAILING
BY S.C.A. 3

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CARMEN A. ZAMMIELLO,
PLAINTIFF, PRO-SE,

CASE NO. 8:18-cv-02988-VMC-CPT

RICKY DIXON, secy. et al.
DEFENDANT'S,

NOTICE OF APPEAL

NOTICE IS GIVEN THAT CARMEN A. ZAMMIELLO,
THE PLAINTIFF, PRO-SE, HEREBY APPEALS TO THE
ELEVENTH CIRCUIT COURT OF APPEALS THE
ERRONEOUS COURT ORDER (DOC. 23) ENTERED
IN THE ABOVE ACTION ON MAR 4th 2022, "SUMMARY
DENYING MY AMENDED CIVIL RIGHTS COMPLAINT"
FILED ON JAN. 5th 2022, BECAUSE THE DISTRICT
COURT ERRED AND ABUSED ITS DISCRETION "BY
ARBITRARY DEPARTING FROM THE ESSENTIAL RE-
QUIREMENTS OF LAW AND REFUSING TO AFFORD
ME PROCEDURAL DUE PROCESS, RESULTING IN A
FUNDAMENTAL MISCARRIAGE OF JUSTICE. . ."

MAR 12th 2020

DATE

/s/ Carmen A. ZammIELlo

PLAINTIFF, PRO-SE, #083535

CHARLOTTE C. I.

F 33123 OIL WELL Rd.

PUNTA GORDA, FL 33955

3 OF 9

-X-

22-10852

RECEIVED ON: WED. MAR. 30th 2022

Carmen A. Zammiello
#083535
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

APPEAL FOR THE AMENDED CIVIL
RIGHTS COMPLAINT FILED ON:
JAN. 5th 2022

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UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

March 23, 2022

Carmen A. Zammiello
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

Appeal Number: 22-10852-G
Case Style: Carmen Zammiello v. Stephanie Banks, et al
District Court Docket No: 8:18-cv-02988-VMC-CPT

Please use the appeal number for all filings in this court.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Three Strikes

This Court has determined that the "three strikes" provision of the Prison Litigation Reform Act of 1995 is applicable to you. See 28 U.S.C. § 1915(g). This appeal cannot proceed until the full docketing and filing fees are paid to the DISTRICT COURT clerk. If the fees have not been paid within 14 days after this letter's date, **this appeal will be dismissed without further notice by the clerk.** See 11th Cir. R. 42-1(b).

If the docketing and filing fees are paid to the DISTRICT COURT clerk, the appellant's brief is due 40 days after the date of the payment of the docketing and filing fees pursuant to the Prisoner Litigation Reform Act. See 11th Cir. R. 31-1. An incarcerated pro se party is not required to file an appendix.

This is the only notice you will receive regarding the due date for briefs. If the appellant's brief is not filed by the due date, this appeal will be dismissed without further notice. See 11th Cir. R. 42-2.

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Certificate of Interested Persons and Corporate Disclosure Statement ("CIP")

Every motion, petition, brief, answer, response, and reply must contain a CIP. See FRAP 26.1; 11th Cir. R. 26.1-1. In addition:

- Appellants/Petitioners must file a CIP within 14 days after this letter's date.
- Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after this letter's date, regardless of whether Appellants/Petitioners have filed a CIP.
- Only parties represented by counsel must complete the web-based CIP. Counsel must complete the web-based CIP, through the Web-Based CIP link on the Court's website, on the same day the CIP is first filed.

The failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. See 11th Cir. R. 26.1-5(c).

Obligation to Notify Court of Change of Addresses

Each pro se party and attorney has a continuing obligation to notify this court of any changes to the party's or attorney's addresses during the pendency of the case in which the party or attorney is participating. See 11th Cir. R. 25-7.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lee Aaron, G
Phone #: 404-335-6172

DKT-4 Three Strikes

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6 OF 9

22-10852

RESPONSE TO APPEAL FROM MY
42 U.S.C. Sec. 1983 AMENDED
CIVIL RIGHTS COMPLAINT
RECEIVED ON: JUNE 1 ST. 2022

Carmen A. Zammiello
#083535
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

RECEIVED ON WED. JUNE 1 ST. 2022
FOR CIVIL APPEAL

DEFINITIONS: moot. adj. 1. OPEN TO DISCUSSION OR
DEBATE; DEBATABLE; DOUBTFUL. see e.g. WEBSTER'S UNIVERSAL
COLLEGE DICTIONARY - 1997 EDITION - AT PAGE 521

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**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 19, 2022

Clerk - Middle District of Florida
U.S. District Court
801 N FLORIDA AVE
TAMPA, FL 33602-3849

Appeal Number: 22-10852-G
Case Style: Carmen Zammiello v. Stephanie Banks, et al
District Court Docket No: 8:18-cv-02988-VMC-CPT

The enclosed copy of the Clerk's Order of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lee Aaron/aw, G
Phone #: 404-335-6172

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-10852-G

CARMEN A. ZAMMIELLO,

Plaintiff - Appellant,

versus

STEPHANIE A. BANKS,
Police Officer, City of St. Petersburg Police Dept.,
RICHARD A. LUCE,
Ret. Circuit Court Judge,
MARIO J. MANETTA,
Mario's Pizza,
DAVID A. MAUCH,
Police Officer, City of St. Petersburg Police Dept.,

Defendants - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Carmen A. Zammiello has failed to pay the filing and docketing fees to the district court within the time fixed by the rules; and Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Carmen A. Zammiello failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements. See 11th Cir. Rules 26.1-1 through 26.1-4.

Effective May 19, 2022.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION