

No. _____

IN THE
Supreme Court of the United States

ROBERT L WALKER AND TAMIKO N PEELE,
Applicants,

v.

U.S. BANK NATIONAL ASSOCIATION, KELEY JACOBSON, P.A.,
THE UNITED STATES DEPARTMENT OF EDUCATION,
ROBIN R. WEINER, JOANNA P. TEMPONE, et al.
Respondents.

**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ROBERT L. WALKER
4001 S.W. Melbourne Street
Port Saint Lucie, FL 34953
(772)400-7544

TAMIKO N PEELE
4001 S.W. Melbourne Street
Port Saint Lucie, FL 34953
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Applicants

**PARTIES TO THE PROCEEDING AND
CORPORATE DISCLOSURE STATEMENT**

1. Applicants Robert L Walker and Tamiko N Peele were plaintiffs in the district court and appellees before the court of appeals.

Respondents US Bank National Association; Keley Jacobson P.A.; The United States Department of Education; Robin R. Weiner; Joanna P. Tempone; ECMC; ECMC Group; Education Credit Management Corporation Group; Florida Department of Education; NelNet, Inc; Nelnet Total & Permanent Disability; Professional Bureau of Collections of Maryland, Inc; The United States Department of Treasury Bureau of The Fiscal Service; The United States Social Security Administration; Transitional Guaranty Agency; Wells Fargo Education Financial Services Nelnet Servicing LLC; Barry Steven Mittelberg; Kenneth Drake Ozment; Sovathary Keley Jacobson; Ozment Law, PA; Experian Information Solution Inc.; were defendants in the district court and appellants before the court of appeals.

RULE 29.6 STATEMENT

Pursuant to Supreme Court Rule 29.62 Applicants Robert L Walker and Tamiko N Peele, are individuals not a Corporation, No Corporate disclosure statement are required.

APPLICATION FOR AN EXTENSION OF TIME

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT:

Pursuant to this Court's Rules 13.5, 22, and 30.3, applicants Robert L Walker and Tamiko N Peele respectfully request a 40-day extension of time— to and including December 21, 2022—within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit. The district court with abuse of discretion and judicial over reach and prematurely Issued Three(3) Conflicting Opinions in err on the 25th of October 2022, in an opinion reported at 2022 WL 4477259, at * 1 (attached as Exhibit A) , the 6th of October 2022 in an opinion reported at 2022 5237915, at * 1 (attached as Exhibit B) and the 29th of September 2022 in an opinion reported In re Walker, No. 20-10507 (attached as Exhibit C) in which those opinions conflicting in nature have created premature judgments with judicial overreach as to not “safeguarding not only ongoing, proceedings, but potential future proceedings,” Klay, 376 F.3d at 1099, as well as to “protect or effectuate” their prior orders and judgments, Wesch v. Folsom, 6 F.3d 1465, 1470 (11th Cir. 1993); see United States v. N.Y. Tel. Co., 434 U.S. 159, 172, 98 S. Ct. 364, 372 (1977)

1. The Eleventh USCA Judges JORDAN, NEWSOM LOGOA, presiding over directly related claims briefing before the Court, made in passing related to current, and raised briefly with supporting arguments or authorities that are currently “still” pending Appellate review under the same panel JORDAN, MEWSOM, LOGOA. The Hon. Rodney Smith of the USDC of Florida Southern Division under Appellate Jurisdiction in addition to and Lower State of Florida Judge Daryl Eisenhower also have

jurisdiction over the briefing of related matters that JORDAN, NEWSOM and LOGOA without jurisdiction, opinioned on causing abuse of discretion and judicial over reach conflicting with Barton v. Barbour, 104 U.S. 126, 127 (1881) Doctrine, Carter v. Rodgers, 220 F.3d 1249, 1252-53 (11th Cir. 2000) and Seminole Tribe of Florida v. Florida. 517 U.S. 44, 116 S. Ct. 1114, 134 L. Ed. 2d 252 (1996). "The Eleventh Circuit Court of Appeals panel JORDAN, NEWSOM and LOGOA" abused its discretion with erred by taking jurisdiction over State matters and matters tolling under Appellate Review under the jurisdiction of Three Jurisdictions and relying on Neidich v. Salas, 783 F.3d 1215, 1216 (11th Cir. 2015), Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008) and Sapuppo v. Allstate Floridian Ins. Co., 739 F.3d 678, 681 (11th Cir. 2014), Conflicting with Local Loan Co. v. Hunt, 292 U.S. 234, 244 (1934) Jesinoski v. Countrywide Home Loans, Inc., 135 S.Ct. 790, 791 (2015)... Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) Wesch v. Folsom, 6 F.3d 1465, 1470 (11th Cir. 1993); see United States v. N.Y. Tel. Co., 434 U.S. 159, 172, 98 S. Ct. 364, 372 (1977)

2. The Applicants cannot abandon any claim not briefed before this Court, made in passing, or raised briefly without supporting arguments or authority as the matters are still under briefing with several arguments and authorities under State PRE-TRIAL and Florida USDC Appellate Review. The Courts Three Opinions cause conflict deeming issues not briefed on appeal as abandoned, violating the *Rooker-Feldman Doctrine*. and 14th amendment of right to due process as matters are still before the Court, tolling with issues that are brief and still pending before the court in separate matters in which the Applicants placed the court on notice in which after their Opinions have since then ruled on the Notice of related case stating "To the extent any of the various grievances and requests for relief that Walker

and Peele raise on appeal are collateral matters, those arguments and requests for relief are outside the scope of this appeal”, relying on *In re Donovan*, 532 F.3d 1134, 1136 (11th Cir. 2008). On the 10th of August 2022 prior to the Courts Opinion the issues before the court were denied an related cases consolidation as to jurisdiction of related issues.


3. The Eleventh USCA issued a unusual amount of jurisdictional questions and denied all jurisdiction , however soon thereafter the Applications matters were tolling under the jurisdiction of the State, set for Pre-Trial and after the United States of America removed the matters rendered Three Opinions and will need to render an additional Two(2) more Opinions as the matters that were not abounded have been briefed and is pending briefing. (attached as Exhibit D) The Applicants State Matters which are still pending and is awaiting Remand once the JORDAN, NEWSOM, and LOGOA render their decision after briefing. The Applicants PRE-TRIAL in related stated matters that has since been removed from State Court by party Respondents in a related matter that is currently tolling under appeal in the Eleventh Circuit with the same panel of JORDAN, NEWSOM, LOGOA that have rendered a Pre Mature opinion and Judgment as these matters have been on appeal for over seventeen months with significance delay that has successfully prejudice the Applicants as the tolling issues which have been briefed on appeal and not abandoned as the matters are currently being heard by several jurisdiction, making the Court’s order not only an abuse of discretion with judicial overreach, but a violation of the Equal Protection Clause and the 14th amendment of Due Process but not limited to.

4. The Applicants declined to have matters reheard under enact as the matters are still tolling under the same panel JORDAN, NEWSOM, LOGOA in “All” Applicants tolling Appeals. Unless

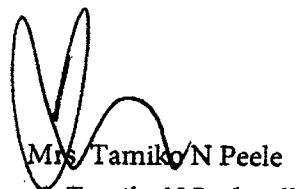
extended, the deadline to file a petition for a writ of certiorari is November 13, 2022. This application is timely. See Sup. Ct. R. 30.2. And this Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1).

5. "For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days." Sup. Ct. R. 13.5. Additional time is necessary to allow Applicants' to prepare and file a Two(2) Related but separate petitions on this exceptionally important and complex question of constitutional law. Applicants also have significant Applicants also have significant "Health" and "Legal Litigations" obligations during the period in which the petition would otherwise need to be prepared, including a Two(2)merits brief and One(1) Intervenor Brief due on 14th of November in *Peele. v. The Florida Bar etal.*, No. 22-13173 (11th Cir.) and includes Nineteen (19) of the party Respondents in this matter. In addition, the Applicants have pending PRE-TRIALS Hearings with several Party Respondents on the 14th of December 2022 PRE-TRIAL Hearing in City of Port Saint Lucie, *PEELE v. USPS*, 562022SC3954 and 562022SC002970 (Fla.19th Circuit), Moreover, applicants are not aware of any party that would be prejudiced by a 40-day extension. Accordingly, good cause exists for this application, and applicants respectfully request a 40-day extension of time within which to file a petition for a writ of certiorari, to and including December 21, 2022.

Dated: 31st of October, 2022


Mr. Robert L Walker
s/s Robert Walker, all rights reserved
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Respectfully submitted,


Mrs. Tamiko N Peele
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Pro-Se Applicants

EXHIBIT

A

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-10205

Non-Argument Calendar

In Re: ROBERT L. WALKER,
TAMIKO N. PEELE,

Debtors.

ROBERT WALKER,
TAMIKO N. PEELE,

Plaintiffs-Appellants,

versus

BARRY S. MITTELBERG,
BARRY S. MITTELBERG, PA,

Defendants-Appellees.

Appeals from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:20-cv-81366-WPD

Before JORDAN, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

Robert Walker and Tamiko Peele, Chapter 13 debtors proceeding *pro se*, appeal the district court's order affirming the bankruptcy court's orders granting Barry Mittelberg's motions to allow a late-filed claim and for relief from a stay. Their notices of appeal indicate that they also seek to challenge the district court's orders granting various filing extensions.

After Walker and Peale filed this appeal, the bankruptcy court dismissed their Chapter 13 case. We recently dismissed their separate appeal of the district court's denial of their motion to reconsider that Chapter 13 case's dismissal. *Walker v. U.S. Bank Nat'l Ass'n*, No. 21-13937, 2022 WL 5237915, at *1 (11th Cir. Oct. 6, 2022). We also recently affirmed the district court's denial of a temporary injunction against their attorneys in the bankruptcy proceeding. *In re Walker*, No. 21-12114, 2022 WL 4477259, at *1 (11th Cir. Sept. 27, 2022).

21-10205

Opinion of the Court

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We now deny as moot¹ Walker and Peale's appeal of orders related to Mittelberg—Walker's attorney in a previous personal-injury case. As we explained in our earlier decision, we lack jurisdiction if a case is moot—for example, because the dismissal of a Chapter 13 case makes it impossible to grant the prevailing party any effectual relief. *Id.* at *1 (citing *Neidich v. Salas*, 783 F.3d 1215, 1216 (11th Cir. 2015)). We can provide relief on collateral matters, but we can't change the completed bankruptcy plan. *Id.*

Here, this appeal is moot because the district court order that Walker and Peale challenge relates to Mittelberg's claim in the bankruptcy plan—it doesn't concern a collateral matter. To the extent any of the various grievances and requests for relief that Walker and Peele raise on appeal are collateral matters, those arguments and requests for relief are outside the scope of this appeal.²

DISMISSED AS MOOT.

¹ We review jurisdictional issues *de novo* and can consider jurisdiction *sua sponte*. *In re Donovan*, 532 F.3d 1134, 1136 (11th Cir. 2008).

² Walker and Peele also move for fees and costs and for judicial notice of related proceedings. We conclude that granting that relief would be inappropriate here. Accordingly, we deny those motions as moot.

EXHIBIT

A

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-13937

Non-Argument Calendar

ROBERT WALKER,
TAMIKO N. PEELE,

Plaintiffs-Appellants,

versus

U.S. BANK NATIONAL ASSOCIATION,
ROBIN R. WEINER,
JOANNA P. TEMPONE,
THE UNITED STATES DEPARTMENT OF
EDUCATION,
KELEY JACOBSON, P.A., et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:21-cv-80568-AMC

Before JORDAN, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

Robert Walker and Tamiko Peele, Chapter 13 debtors proceeding *pro se*, appeal from the district court's denial of their motion to reconsider the *sua sponte* dismissal of their appeal from the bankruptcy court. Their notices of appeal to the district court indicated that, among other orders issued by the bankruptcy court, they were appealing the order dismissing their Chapter 13 case.

Although we read briefs filed by *pro se* litigants liberally, issues not briefed on appeal by a *pro se* litigant are deemed abandoned. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). Mere reference to an issue in a brief, absent argument and citations of authority in support of that issue, is insufficient to preserve the issue on appeal, even for *pro se* filings. *Horsley v. Feldt*, 304 F.3d 1125, 1131 n.1 (11th Cir. 2002); *Hamilton v. Southland Christian Sch., Inc.*, 680 F.3d 1316, 1319 (11th Cir. 2012).

21-13937

Opinion of the Court

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Here, the debtors have abandoned their challenge to the bankruptcy court's dismissal of their Chapter 13 case. Their 58-page initial brief contains but a single sentence requesting reversal, with no argument or citation to authority. Further, the debtors' initial brief does not otherwise appear to contain any argument or authority related to the bases for the bankruptcy court's dismissal order, including the debtors' failure to timely modify the plan to conform with U.S. Bank's claim or provide that real property would be treated outside the plan; their proposal of a plan that was not confirmable; and their attempt to value and avoid U.S. Bank's claim, in violation of 11 U.S.C. § 1322(b)(2). Thus, the debtors' bare assertion that this Court should reverse the dismissal order is insufficient to preserve their challenge to it. *Hamilton*, 680 F.3d at 1319. Accordingly, we dismiss the appeal.

DISMISSED.¹

¹ The debtors' two motions—one for fees, costs, and expenditures, and the other for leave to file excess pages—are both DENIED. The debtors do not specify under what source of authority they are seeking fees, costs, and expenditures. To the extent that they seek to rely on this Court's inherent power to impose attorneys' fees, the debtors offer no argument or explanation as to how the appellees have acted in bad faith or why they are otherwise entitled to attorneys' fees. See, e.g., *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45–46 (1991) (discussing courts' inherent power to impose attorneys' fees when a party acts "in bad faith, vexatiously, wantonly, or for oppressive reasons") (quoting *Alyeska Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240, 258–59 (1975)). To the extent that the debtors attempt to rely on Rule 38, such reliance is misplaced. Rule 38 only allows appellees to recover damages and costs. See Fed. R. App. P. 38.

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

**CASE NOS. 21-80568-CIV-CANNON
21-81108-CIV-CANNON
21-81248-CIV-CANNON
21-81132-CIV-CANNON**

**ROBERT L. WALKER
and TAMIKO N. PEELE,**

Appellants,

v.

U.S. BANK NATIONAL ASSOCIATION, et al.,

Appellees.

ORDER DISMISSING CONSOLIDATED APPEAL

THIS CAUSE comes before the Court upon a *sua sponte* review of the record.

On January 31, 2020, Appellants, Robert L. Walker and Tamiko N. Peele (“Appellants” or “Debtors”) filed a Chapter 13 Voluntary Petition for Bankruptcy in the United States Bankruptcy Court for the Southern District of Florida, which was assigned Bankruptcy Case No. 20-11431-EPK [Bkcty. Dkt. No. 1]. Subsequently, Appellants proceeded to file several notices of appeal of orders in the underlying case, which were transmitted to this Court for review.

Appellants vaguely describe the issues and orders on appeal as follows:

The Notice of Appeal as to United States District Court Southern District of Florida Division of West Palm Beach Orders and Opinions thereto or underlying the Order of Denials, including the Findings of Fact and Conclusions of Law, to Final and all previous and current rulings, opinions, proceedings, orders, findings, and decisions (whether oral or written).

[ECF No. 1, p. 3 (verbatim from original)].

As best as the Court can tell after trying to piece together Appellants' array of filings, Appellants appear to be seeking to appeal at least the following bankruptcy orders and possibly more: the March 10, 2021 Order Granting Motion to Withdraw as Attorney of Record for Debtors [Bkcty. Dkt. No. 151]; the June 4, 2021 Order Continuing Hearing on Trustee's Motion to Dismiss, Setting Hearing on Certain Relief Requested by the Debtors, and Denying Certain Relief Requested by the Debtors [Bkcty. Dkt. No. 269]; the June 18, 2021 Orders Denying Remaining Relief Requested in Motion filed at ECF No. 265, 266, 267, and 268 [Bkcty. Dkt. Nos. 282-25]; the June 18, 2021 Order Granting Motion to Dismiss Case [Bkcty. Dkt. No. 286]; the June 24, 2021 Order Denying Robert L. Walker and Tamiko N. Peele Amended Joint Notice and Motion to Stay Pending Resolution of Proceedings [Bkcty. Dkt. No. 314]; the June 24, 2021 Order Denying Robert L. Walker and Tamiko N. Peele Joint Motion for Clarification [Bkcty. Dkt. No. 315]; the July 7, 2021 Order Denying Motion for Rehearing [Bkcty. Dkt. No. 347]; and the July 14, 2021 Order Dismissing Bankruptcy Appeal [Bkcty. Dkt. No. 351]. Appellants filed two additional appeals from orders in the Bankruptcy Case in this Court, *Walker et al v. United Parcel Service Inc. et al.*, 21-80914 (S.D. Fla. May 20, 2021) and *Walker et al v. Ozment et al.*, 21-80537 (S.D. Fla. March 11, 2021), and immediately appealed certain orders from this Court to the Eleventh Circuit.¹ Those cases remain pending before the Eleventh Circuit and are not the subject of this Order.

Upon review of the filings in the consolidated cases, the Court notes that, even construing Appellants' *pro se* pleadings liberally, Appellants' Notices of Appeal and their related filings are incomprehensible. They contain no coherent or intelligible description of the underlying bankruptcy action or orders that Appellants are appealing. Nor do they indicate what relief

¹ See Case No. 21-12114 (11th Cir. June 21, 2021); Case No. 21-13210 (11th Cir. Sept. 17, 2021).

Appellants seek, against which parties, based on what alleged errors or underlying facts. As an example, Appellants filed a Joint "Notice of Initial Brief on the Merits" [ECF No. 23]. The paper, 114 pages in length, *see* S.D. Fla. L.R. 87.4(f)(2) and Fed. R. Bankr. P. 8015(a)(7)(A) ("A principal brief must not exceed 30 pages"), consists largely of citations to the Supremacy Clause, the Civil Rights Act of 1964, etc. with partial sentence descriptions of the bankruptcy court proceedings, interspersed with quotes from William Shakespeare and Malcolm X, and various state court pleading references. It also contains a "Summary of Argument" section containing indecipherable references to "matters" and "classifications," none of which the Court can discern:

Pursuant of Local Rule of Civil Procedures the Appellant's Notify the Court of Matters in this Case which Appellant's 'New Evidence' will show the plausible of matters that are a direct Pendency of other Relation Actions related to the Matters Presented in this matter of the gross Bankruptcy Act Protections that are altered, amended and or waives as to the different in Treatment as to the Appellants Disabilities Classifications and the Classism to say the Least.

[ECF No. 23, p. 59 (verbatim from the original)]. Indeed, when this case was pending in the Bankruptcy Court, Judge Kimball correctly noted that the Debtors' filings were replete with incomprehensible statements:

Like nearly all of the debtors' recent filings, it includes much extraneous material, uses overly complex sentences containing multiple seemingly unrelated topics, and is presented in a form that is not appropriate for a motion filed with this Court. It appears that the debtors well know this and persist in filing purposely confusing documents in the mistaken belief that this will assist them in further delaying the longstanding efforts of their mortgage lender to foreclose on their home.

[Bkcty. Dkt. No. 315, p. 2 (emphasis added)].

Although the Court must liberally construe *pro se* pleadings, "*pro se* litigants are nonetheless required to conform their pleadings to procedural rules." *Hanna v. Florida*, 599 F. App'x 362, 363 (11th Cir. 2015) (citing *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007)). *Pro se* litigants "cannot simply point to some perceived or actual wrongdoing and then have the

CASE NO. 21-80568-CIV-CANNON

court fill in the facts to support their claim [J]udges cannot and must not ‘fill in the blanks’ for *pro se* litigants; they may only cut some ‘linguistic slack’ in what is actually pled.” *Hanninen v. Fedoravitch*, 2009 WL 10668707, at *3 (S.D. Fla. Feb. 26, 2009) (quoting *Bivens v. Roberts*, 2009 WL 411527, at *4 (S.D. Ga. Feb. 18, 2009).

Here, any error purportedly committed by the Bankruptcy Court is not alleged in any comprehensible form in Appellants’ Notices of Appeal or in any of their subsequent filings. Accordingly, it is hereby

ORDERED AND ADJUDGED that this consolidated appeal is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is instructed to **CLOSE** this case. Any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 9th day of November 2021.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NOS. 21-80568-CIV-CANNON
21-81108-CIV-CANNON
~~21-81248-CIV-CANNON~~
21-81132-CIV-CANNON

ROBERT L. WALKER
and TAMIKO N. PEELE,

Appellants,

v.

U.S. BANK NATIONAL ASSOCIATION, *et al.*,

Appellees.

ORDER DENYING MOTION FOR RECONSIDERATION

THIS CAUSE comes before the Court upon Appellants' "Joint Time Sensitive Motion to Reopen Case for Reconsideration" [ECF No. 32]. The Court construes this filing as a motion for reconsideration of its November 9, 2021 Order Dismissing Consolidated Appeal [ECF No. 31].

To prevail on a motion for reconsideration, the moving party "must demonstrate why the court should reconsider its prior decision and set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision. A motion for reconsideration should raise new issues, not merely address issues litigated previously." *Instituto de Prevision Militar v. Lehman Bros.*, 485 F. Supp. 2d 1340, 1343 (S.D. Fla. 2007) (quoting *Socialist Workers Party v. Leahy*, 957 F. Supp. 1262, 1263 (S.D. Fla. 1997)). There are three major grounds that may justify the entry of an order granting reconsideration: "(1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or manifest injustice." *Instituto de Prevision Militar*, 485 F. Supp. 2d at 1343 (internal quotation marks omitted).

CASE NO. 21-80568-CIV-CANNON

Appellants have not met their burden to warrant reconsideration. The current motion is equally as incomprehensible as Appellants' prior filings in this case and does not set forth a cognizable basis for reconsideration of the Court's Order. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion for Reconsideration [ECF No. 32] is **DENIED**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 11th day of November 2021.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Robert L. Walker
Tamiko N. Peele
4001 SW Melbourne Street
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954-709-0102
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EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NOS. 21-80568-CIV-CANNON
21-81108-CIV-CANNON
21-81248-CIV-CANNON
21-81132-CIV-CANNON

ROBERT L. WALKER
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v.

U.S. BANK NATIONAL ASSOCIATION, *et al.*,

Appellees.

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CASE NO. 21-80568-CIV-CANNON

Appellants have not met their burden to warrant reconsideration. The current motion is equally as incomprehensible as Appellants' prior filings in this case and does not set forth a cognizable basis for reconsideration of the Court's Order. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion for Reconsideration [ECF No. 32] is **DENIED**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 11th day of November 2021.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Robert L. Walker
Tamiko N. Peele
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Port Saint Lucie, Florida 34953
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EXHIBIT E

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

**CASE NOS. 21-80568-CIV-CANNON
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**ROBERT L. WALKER
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Appellants,

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U.S. BANK NATIONAL ASSOCIATION, et al.,

Appellees.

ORDER DENYING MOTION FOR RECONSIDERATION

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CASE NO. 21-80568-CIV-CANNON

Appellants have not met their burden to warrant reconsideration. The current motion is equally as incomprehensible as Appellants' prior filings in this case and does not set forth a cognizable basis for reconsideration of the Court's Order. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion for Reconsideration [ECF No. 32] is **DENIED**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 11th day of November 2021.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Robert L. Walker
Tamiko N. Peele
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EXHIBIT B

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-13937

Non-Argument Calendar

ROBERT WALKER,
TAMIKO N. PEELE,

Plaintiffs-Appellants,

versus

U.S. BANK NATIONAL ASSOCIATION,
ROBIN R. WEINER,
JOANNA P. TEMPONE,
THE UNITED STATES DEPARTMENT OF
EDUCATION,
KELEY JACOBSON, P.A., et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:21-cv-80568-AMC

Before JORDAN, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

Robert Walker and Tamiko Peele, Chapter 13 debtors proceeding *pro se*, appeal from the district court's denial of their motion to reconsider the *sua sponte* dismissal of their appeal from the bankruptcy court. Their notices of appeal to the district court indicated that, among other orders issued by the bankruptcy court, they were appealing the order dismissing their Chapter 13 case.

Although we read briefs filed by *pro se* litigants liberally, issues not briefed on appeal by a *pro se* litigant are deemed abandoned. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). Mere reference to an issue in a brief, absent argument and citations of authority in support of that issue, is insufficient to preserve the issue on appeal, even for *pro se* filings. *Horsley v. Feldt*, 304 F.3d 1125, 1131 n.1 (11th Cir. 2002); *Hamilton v. Southland Christian Sch., Inc.*, 680 F.3d 1316, 1319 (11th Cir. 2012).

Here, the debtors have abandoned their challenge to the bankruptcy court's dismissal of their Chapter 13 case. Their 58-page initial brief contains but a single sentence requesting reversal, with no argument or citation to authority. Further, the debtors' initial brief does not otherwise appear to contain any argument or authority related to the bases for the bankruptcy court's dismissal order, including the debtors' failure to timely modify the plan to conform with U.S. Bank's claim or provide that real property would be treated outside the plan; their proposal of a plan that was not confirmable; and their attempt to value and avoid U.S. Bank's claim, in violation of 11 U.S.C. § 1322(b)(2). Thus, the debtors' bare assertion that this Court should reverse the dismissal order is insufficient to preserve their challenge to it. *Hamilton*, 680 F.3d at 1319. Accordingly, we dismiss the appeal.

DISMISSED.¹

¹ The debtors' two motions—one for fees, costs, and expenditures, and the other for leave to file excess pages—are both DENIED. The debtors do not specify under what source of authority they are seeking fees, costs, and expenditures. To the extent that they seek to rely on this Court's inherent power to impose attorneys' fees, the debtors offer no argument or explanation as to how the appellees have acted in bad faith or why they are otherwise entitled to attorneys' fees. *See, e.g., Chambers v. NASCO, Inc.*, 501 U.S. 32, 45–46 (1991) (discussing courts' inherent power to impose attorneys' fees when a party acts "in bad faith, vexatiously, wantonly, or for oppressive reasons") (quoting *Alyeska Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240, 258–59 (1975)). To the extent that the debtors attempt to rely on Rule 38, such reliance is misplaced. Rule 38 only allows appellees to recover damages and costs. *See Fed. R. App. P. 38.*

To the extent that U.S. Bank requests that we impose sanctions on the debtors pursuant to Federal Rule of Appellate Procedure 38, its motion is DENIED. Although the debtors have submitted many lengthy and difficult-to-discern filings before the bankruptcy court, the district court, and this Court, appellants are proceeding *pro se*, and U.S. Bank did not file a separate motion for sanctions. See Fed. R. App. P. 38 (“If a court of appeals determines that an appeal is frivolous, it may, *after a separately filed motion or notice from the court and reasonable opportunity to respond*, award just damages and single or double costs to the appellee.”) (emphasis added); *Woods v. I.R.S.*, 3 F.3d 403, 404 (11th Cir. 1993) (declining to impose Rule 38 sanctions because of the appellant’s *pro se* status). Unlike the few *pro se* appellants who have been sanctioned by this Court, the debtors were not explicitly warned that the particular arguments they now make on appeal are frivolous. See *King v. United States*, 789 F.2d 883, 884 (11th Cir. 1986).

EXHIBIT C

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-12114

Non-Argument Calendar

In Re: ROBERT WALKER,
TAMIKO N. PEELE,

Debtors.

ROBERT WALKER,
TAMIKO N. PEELE,

Plaintiffs-Appellants,

versus

K. DRAKE OZMENT,
OZMENT LAW, PA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:21-cv-80537-AMC

Before JORDAN, NEWSOM, and LAGOA, Circuit Judges

PER CURIAM:

Robert Walker and Tamiko Peele are Chapter 13 debtors proceeding *pro se*. They appeal a district-court order denying their motion for a “temporary injunction,”¹ a stay, and other relief. Because a denial of a stay is not appealable, we previously dismissed that part of the appeal. But we did not address whether we have jurisdiction over the rest of the appeal. We now hold that we have jurisdiction over the portion of the appeal that seeks a temporary injunction. We affirm the district court’s order refusing that temporary injunction, and we deny several motions that Walker and Peele (hereinafter “debtors”) have made in this Court.

The facts of the case are known to the parties, and we do not repeat them here except as necessary to decide the issues before us.

¹ Whether Walker and Peele sought a preliminary injunction or a temporary restraining order is unclear.

I

We address jurisdiction first. Our jurisdiction typically extends only to appeals from final orders, but we also have jurisdiction to hear appeals from interlocutory district-court orders refusing injunctions. 28 U.S.C. § 1292(a)(1). Debtors moved for a “temporary injunction,” and that motion was denied. “Temporary injunction” may not be a familiar term of art, but we construe *pro se* filings liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). It’s clear to us—as it was to the district court—that debtors sought injunctive relief. We therefore regard the district court’s order denying their motion as an order refusing injunctive relief.

Debtors’ appeal is not moot even though the bankruptcy court has dismissed their Chapter 13 case. Dismissal of a Chapter 13 case moots an appeal only if the dismissal makes it impossible to grant effectual relief. *Neidich v. Salas*, 783 F.3d 1215, 1216 (11th Cir. 2015). Thus, for instance, when a debtor appeals a deduction in his Chapter 13 plan, the dismissal of the underlying Chapter 13 case moots the debtor’s appeal—for there *is no* deduction in a Chapter 13 plan once the Chapter 13 case is dismissed. *Id.* But when a debtor’s appeal challenges a “collateral” aspect of a Chapter 13 case—say, when a debtor seeks sanctions against a creditor for flouting a stay-relief order—dismissal of that Chapter 13 case does not moot the appeal. *See In re Tucker*, 743 F. App’x 964, 967–68 (11th Cir. 2018).

Debtors challenge collateral aspects of their Chapter 13 case. As best we can tell, debtors moved for three “temporary injunctions”:

1. one forcing defendants Ozment and Ozment Law—debtors’ counsel in the bankruptcy proceeding—to relinquish debtors’ property and records, notify debtors when that happens, provide them an opportunity to pursue their appeal, cease collection efforts, and return their money with interest;
2. one forcing several nonparties to cease paying debtors’ hazard insurance and tax obligation, cease taking payments from the debtors, and reissue debtors’ previous payments back to the debtors; and
3. one forcing Ozment, Ozment Law, and several nonparties to cease disposing of debtors’ assets and return debtors’ property.

At least some of these are collateral matters. Former clients are entitled to records from former counsel, for example, no matter how the suit for which they hired counsel plays out. The district court thus could, in theory, grant effectual relief on at least one of debtors’ motions: It could order Ozment Law to turn over certain records. Debtors’ appeal, therefore, isn’t moot.

II

Still, the appeal fails. We generally reverse denials of preliminary injunctions only if the district court abused its discretion. *Delta Air Lines, Inc. v. Air Line Pilots Ass'n, Int'l*, 238 F.3d 1300, 1308 (11th Cir. 2001). But debtors have abandoned any claim that the district court abused its discretion when it denied their motion for a “temporary injunction.”

An appellant abandons any claim not briefed before this Court, made in passing, or raised briefly without supporting arguments or authority. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014). Even *pro se* litigants abandon issues not raised on appeal. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). Here, debtors have not addressed whether the district court abused its discretion by denying their motion for injunctive relief. Their brief abounds in accusations, but it says little about why those accusations warrant the injunction they seek. The brief doesn't even address the order denying their request for injunctive relief. Put simply, this Court has not been briefed on whether debtors deserve their sought-after injunction. Debtors have thus abandoned that claim.

III

Debtors have also made several other motions before this Court. These include a motion for fees and expenditures and a motion for leave to file an unspecified document with excess pages.

Both these motions include language that might be construed as other motions.

These motions are all denied. The motion for fees is denied because debtors haven't shown that this case falls within any of the three "narrowly defined circumstances [in which] federal courts have inherent power to assess attorney's fees." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45 (1991). That is, they haven't shown that their own litigation efforts have directly benefitted others, or that their opponents have willfully disobeyed a court order, or that an opposing party has acted in bad faith. *Id.* at 45–46.

The motion to file an unspecified document with excess pages is denied because, well, it's unspecified. Without knowing what debtors wish to file, it'd be premature to grant a request to file it.

The remaining motions are denied because they defy our order that debtors file "separate motions for each request" for relief.

AFFIRMED. Motions before this Court are **DENIED.**

EXHIBIT D

**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.cali.uscourts.gov

October 05, 2022

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 22-13173-AA

Case Style: Tamiko N. Peele v. The United States Department of Justice through it, et al
District Court Docket No: 2:22-cv-14305-AMC

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.

Briefing

Pursuant to 11th Cir. R. 31-1, the appellant's brief is due on or before November 14, 2022. The appendix is due 7 days after the appellant's brief is filed. An incarcerated pro se party is not required to file an appendix.

The appellee's brief is due within 30 days after the service of the last appellant's brief. The appellant's reply brief, if any, is due within 21 days after the service of the last appellee's brief. This is the only notice you will receive regarding the due date for briefs and appendices.

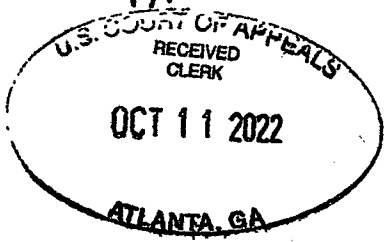
Please see FRAP 32(a) and the corresponding circuit rules for information on the form of briefs and FRAP 32(b) and 11th Cir. Rules 30-1 and 30-2 for information on the form of appendices.

This is the only notice you will receive concerning the due date for filing briefs and appendices. See Fed.R.App.P. 28, 30, 31, 32, the corresponding circuit rules, General Order 39 and the Guide to Electronic Filing for further information. Pro se parties who are incarcerated are not required to file an appendix.

If you have not entered your appearance in this appeal, please note that the clerk may not process your filings. See 11th Cir. R. 46-6. Appearance of Counsel Forms are available on the court's Web site.

Attorneys must file briefs electronically using the ECF system. Use of ECF does not modify the requirements of the circuit rules that counsel must also provide four (4) paper copies of a brief to the court, nor does it modify the requirements of the circuit rules for the filing of appendices

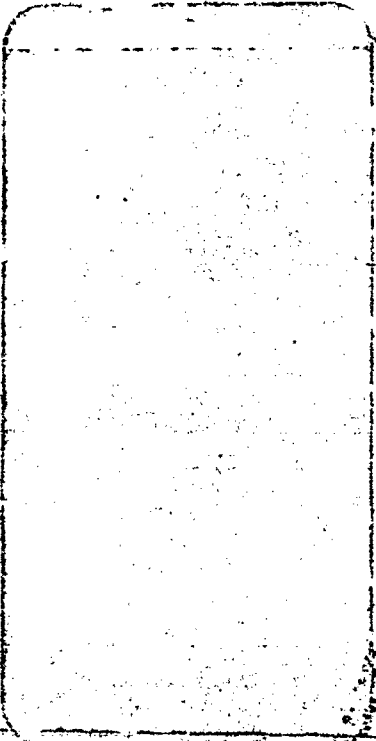
22-13173-AA



Tamiko N. Peele
4001 SW MELBOURNE ST
PORT ST LUCIE, FL 34953

UNITED STATES COURT OF APPEALS

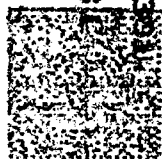
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OFFICE OF THE CLERK
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ATLANTA, GEORGIA 30303
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No. _____

IN THE
Supreme Court of the United States

ROBERT L WALKER AND TAMIKO N PEELE,
Applicants,

v.

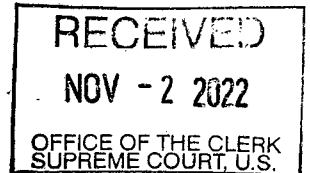
U.S. BANK NATIONAL ASSOCIATION, KELEY JACOBSON, P.A.,
THE UNITED STATES DEPARTMENT OF EDUCATION,
ROBIN R. WEINER, JOANNA P. TEMPONE, et al.
Respondents.

PROOF OF SERVICE

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Applicants



AFFIDAVIT

On this 31st day of October, 2022, I, Robert L Walker and Tamiko N Peele, hereby certify that this Application of Extension for Writ of Certiorari was sent this same day via Federal Express Next Day Delivery to the Supreme Court of the United States. I further certify that I have served this same date the required copies via USPS Mail and email to the counsel of record listed below:

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Telephone:(305) 961-9334

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c/o US ATTORNEY'S OFFICE
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MIAMI, FLORIDA 33132
Telephone:(305) 961-9334
Email: Maureen.Donlan@usdoj.gov
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and agents, AMY CAR, LOU ANNE STANDLEY

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EDUCATION CREDIT MANAGEMENT CORPORATION.,

a foreign non-profit Minnesota corporation, d/b/a "ECMC EDUCATION, INC".,

AS SUCCESSOR IN INTEREST TO WELLS FARGO EDUCATION FINANCIAL SERVICES, INC and it's officer JEREMY WHEATON, DANIEL FISHER and KERRY KLISH, in their official and individual capacity

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TRANSITIONAL GUARANTY AGENCY, FFEL Acct#22395475/
Acct#1274983, and U.S. Currency Debt Notes of \$14,713.00
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Email: jeaton@shawde-eaton.com

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SHAWDE & EATON, P.L., and it's MGRM JOHN D EATON,
in their official and individual capacity of SHAWDE & EATON, P.L.,
c/o JOHN DANIEL EATON, P.A.
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Corporation, d/b/a "US BANK N.A" "US BANCORP"
and its's Representatives NORA B HINTON, ZACHARY S FOSTER
QUARLES & BRADY LLP, ALBERTELLI LAW
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United Parcel Service Inc., d/b/a Liberty Mutual Group and
Liberty Mutual Insurance Company Inc
c/o United Parcel Service Inc, Human Resources
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THE TRAVELERS IDEMNITY COMPANY OF
AMERICA., POLICY NO. Y-630-9026R129-TIA-10,
CLAIM #EPF3042011
ONE TOWER SQUARE
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Email: mkatler@travelers.com

KONE HOLDINGS, INC.,
One KONE Court
Moline, IL 61265
Email: ajrolfes@dglawyers.com
Email: cnigro@dglawyers.com

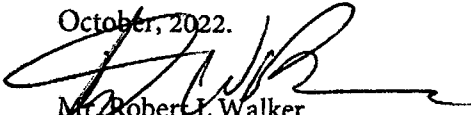
OLD REPUBLIC INSURANCE COMPANY. Policy# MWZY 57732,
The Individuals, Corporations, Unincorporated, Partnerships, Officers,
Jane Does, John Does Legal Representatives, its adjusters, all known persons
and unknown persons who claim any interest in the subject matter of this action,
and the Contents Therein identified on the Insurance Policy of KONE INC.,
307 North Michigan Avenue
Chicago, IL 60601
Email: ajrolfes@dglawyers.com

BARRY S MITTELBERG P.A. The Individuals, Corporations, Unincorporated,
Partnerships, Officers, Jane Does, John Does Legal Representatives, its adjusters,
all known persons and unknown persons who claim any interest in the subject
matter of this action, and the Contents Therein identified on the closing statement
10100 W Sample Road, Ste 407
Coral Springs, Florida 33065
Telephone: 954-752-1213
Email: barry@mittelberglaw.com
Email: attorney@ingergarcia.com
Email: jason@jbrianphillipsesq.com
Email: jorge@jcalillaw.com

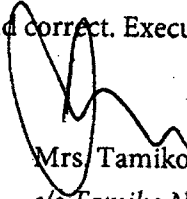
PROFESSIONAL BUREAU OF COLLECTIONS OF MARYLAND, INC.
5295 DTC PARKWAY
GREENWOOD VILLAGE, CO 80111

SUPREME COURT OF THE UNITED STATES
1 FIRST STREET, NE
WASHINGTON, DC 20543
Telephone: 202-479-3011

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 31st day of
October, 2022.


Mr. Robert L. Walker
s/s Robert Walker, all rights reserved
4001 SW Melbourne Street
Port Saint Lucie, FL 34953
(772)400-7544

Respectfully submitted,


Mrs. Tamiko N. Peele
s/s Tamiko N. Peele, all rights reserved
4001 SW Melbourne Street
Port Saint Lucie, FL 34953
(772) 400-7544

Pro-Se Applicants

Mr. Robert L Walker and Mrs. Tamiko N Peele
4001 S.W. Melbourne Street
Port Saint Lucie, Florida 34953
Phone: 772-400-7544

SUPREME COURT OF THE UNITED STATES
1 FIRST STREET, NE
WASHINGTON, DC 20543
Telephone: 202-479-3011
ATTN: US Supreme Clerk of The Court

10/16

RE: Application, Petition and Payment as to the: *Two(2) Separate Petitions For Writ of Certiorari*

1. The Applicants and Petitioners are requesting for the acceptance of the Two(2) Separate Money Orders for Three Hundred US Dollars (\$300.00) for the processing of Two(2) separate Applications and Two(2) separate Petitions for a Writ of Certiorari, In addition the Applicants and Petitioner are including the a. *Application* for an 40-Day Extension To File the Petition b. The *Court Orders* For the Appeal and c. The *Proof of Service*. If there are any questions regarding the pleading the Applicants/Petitioners ask to contact at the information included. Thanks for your time and efforts in advance.

Respectfully,



Mr. Robert L Walker
s/s Robert L Walker, all rights reserved
4001 SW Melbourne Street
Port Saint Lucie, FL 34953
Telephone(772)400-7544



Ms. Tamiko N Peele
s/s Tamiko Peele, all rights reserved
4001 SW Melbourne Street
Port Saint Lucie, FL 34953
Telephone(772)400-7544

Petitioners-for-Applicants

