

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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ROBERT L WALKER AND TAMIKO N PEELE,  
*Applicants,*

v.

UNITED PARCEL SERVICE INC, *ET AL.*,  
*Respondents.*

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

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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  
(772) 400-7544

*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 United Parcel Service Inc; Liberty Mutual Insurance Company; Liberty Mutual Holdings Inc; Helsman Mgmt. LLC; Kone Inc; 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 Education; 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; Joanna P. Tempone; Robin R. Weiner; Barry Steven Mittelberg; Kenneth Drake Ozment; Sovathary Keley Jacobson; Inger M Garcia; Calil Law; Keley Jacobson P.A.; Ozment Law, PA; USBANCORP; U.S. Bank Home Mortgage; U.S. Bank N.A; US Bank National Association; Bonial & Associates, P.C.; Peter Knapp; John J Rafferty; Matthew L. Tillman; 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 are 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 et al., 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, 562022SC3954and 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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(772)400-7544

Respectfully submitted,



Mrs. Tamiko N Peele

s/s Tamiko N Peele, all rights reserved

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Port Saint Lucie, FL 34953

(772) 400-7544

*Pro-Se Applicants*

**EXHIBIT**

**A**

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[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-10205

Non-Argument Calendar

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

Debtors.

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ROBERT WALKER,  
TAMIKO N. PEELE,

Plaintiffs-Appellants,

*versus*

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



Defendants-Appellees.

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

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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).

We now deny as moot<sup>1</sup> 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 Peale raise on appeal are collateral matters, those arguments and requests for relief are outside the scope of this appeal.<sup>2</sup>

**DISMISSED AS MOOT.**

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

<sup>2</sup> Walker and Peale 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 B

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[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-13937

Non-Argument Calendar

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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.

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

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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.<sup>1</sup>**

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<sup>1</sup> 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.

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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

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No. 21-12114

Non-Argument Calendar

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In Re: ROBERT WALKER,  
TAMIKO N. PEELE,

Debtors.

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ROBERT WALKER,  
TAMIKO N. PEELE,

Plaintiffs-Appellants,

*versus*

K. DRAKE OZMENT,  
OZMENT LAW, PA,

Defendants-Appellees.

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

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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,”<sup>1</sup> 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.

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<sup>1</sup> 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.ca11.uscourts.gov](http://www.ca11.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](http://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.

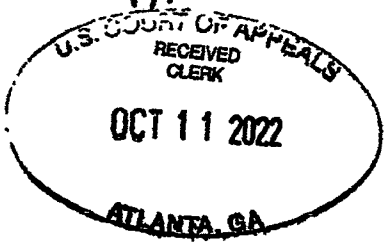
This is the only notice you will receive concerning the due date for filing briefs and appendices. See Fed.R.App.P. 28, 30, 31, 32, the corresponding circuit rules, General Order 39 and the Guide to Electronic Filing for further information. Pro se parties who are incarcerated are not required to file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



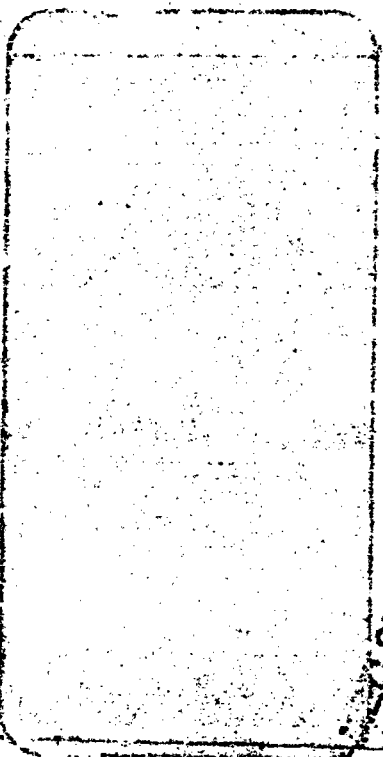
22-13173-AA



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

UNITED STATES COURT OF APPEALS

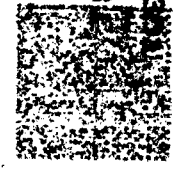
ELEVENTH CIRCUIT  
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86 FORSYTH STREET, N.W.  
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CLEAR SECURITY  
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U.S. MARSHALS SERVICE  
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RETURN TO SENDER  
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**EXHIBIT**

**A**

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[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-12114

Non-Argument Calendar

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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

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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,”<sup>1</sup> 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.

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---

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

## I

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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.

21-12114

Opinion of the Court

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## 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 B

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[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-13937

Non-Argument Calendar

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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.

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

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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.<sup>1</sup>**

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<sup>1</sup> 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.*

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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

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[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-10205

Non-Argument Calendar

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

Debtors.

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ROBERT WALKER,  
TAMIKO N. PEELE,

Plaintiffs-Appellants,

*versus*

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



Defendants-Appellees.

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

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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

3

We now deny as moot<sup>1</sup> 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 Peale raise on appeal are collateral matters, those arguments and requests for relief are outside the scope of this appeal.<sup>2</sup>

**DISMISSED AS MOOT.**

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

<sup>2</sup> Walker and Peale 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 D

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

CASE NOS. 21-80855-CIV-CANNON  
21-80914-CIV-CANNON

**TAMIKO N. PEELE,**

Appellant,

v.

**ROBIN R. WEINER,**  
Chapter 13 Trustee, *et al.*,

Appellees.

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

Appellants,

v.

**UNITED PARCEL SERVICE, et al.,**

Appellees.

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**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. Two

of those appeals comprise this consolidated case: *Walker et al. v. United Parcel Service Inc. et al.*, 21-80914 (S.D. Fla. May 20, 2021) and *Peele v. Weiner et al.*, 21-80537 (S.D. Fla. May 11, 2021).

### BACKGROUND

Before these two cases were consolidated, Appellants filed an interlocutory appeal regarding two Orders in *Walker et al. v. United Parcel Service et al.* [ECF No. 30].<sup>1</sup> The Orders from which Appellants appealed were the Order of Recusal by United States District Judge Singhal [ECF No. 25] and the Order signed by Magistrate Judge Matthewman assigning Magistrate Judge Reinhart as the paired magistrate judge following transfer to this Court from Judge Singhal [ECF No. 28].

On December 29, 2021, the Eleventh Circuit dismissed the appeal in *Walker et al. v. United Parcel Service et al.* for lack of jurisdiction, stating that “neither of these orders are a final order, as they did not end the litigation, dispose of any claims, and the case remains pending before the district court” [ECF No. 38 p. 3]. Thereafter, on February 4, 2022, this Court entered an order consolidating *Peele v. Weiner et al.* together with *Walker et al. v. United Parcel Service et al.* for purposes of a streamlined review of the bankruptcy record [ECF No. 30]. In their “summary of argument” section of the initial briefs,<sup>2</sup> Appellants describe the thrust of the appeal as follows:

The Justice of Justice Erik P Kimball was in error and Grossly Created Judicial Over Reach as to The , Justice of Justice Aileen M Canon, Justice of Justice Anuraag H Singhal and Justice of Justice William P Dimistrious, who has and or had “comingled” controlling Jurisdiction and allowed the relinquishment of jurisdiction to, The United States Social Security Administration, The United States Department of Treasury Offset Unit, The Chapter 13 Trustee Robin R Weiner, The United States Department of Education Offset Unit, The State of Florida Department of Revenue Offset Unit, The State of Florida, The Florida Fourth District Court of Appeals, Lower State Judicial Officers Judge Carol Lisa Phillips and, Lower State Judicial Officers Judge Elizabeth Ann Metzger, The Individuals,

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<sup>1</sup> See Case No. 21-12114 (11th Cir. June 21, 2021).

<sup>2</sup> Appellants filed the identical brief in both combined cases.

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Corporations, Partnerships, Unincorporated Claim #1, Claim#2, Claim#3, Claim#4, Claim#5, Claim#6, Jane Does, John Does and all unknown persons who claim any interest in the subject matter of these actions, and the Contents Therein identified on the closing statement of BARRY S MITTELBERG P.A., Barry Steven Mittelberg, Kenneth Drake Ozment and Claim#1, Claim#2, Claim#3, Claim#4, Claim#5, Claim#6, while under Bankruptcy Act Protection, Post Confirmation, and Rendering Orders and Opinions while Under Appellants Review Making Matters Moot and allowing "All" The Appellees to be placed back at "Status Quo" while evading Due Process to any meaningful Relief Measures and The Dismissal of the Chapter 13 Plan.

[ECF No. 18, p. 44 (verbatim from original)].

Appellants appear to be seeking review of at least the following entries in the bankruptcy record, and possibly more: Chapter 13 Plan Filed by Joint Debtor Tamiko N. Peele, Debtor Robert L. Walker [Bkcty. Dkt. 12]; Notice to Withdraw Document [Bkcty. Dkt. 17]; Ex Parte Verified Motion for Referral to Mortgage Modification Mediation with Lender US Bank [Bkcty. Dkt. 18]; Notice of Appearance and Request for Service by ReShaundra M. Suggs [Bkcty. Dkt. 23]; Objection to Confirmation of Chapter 13 Plan [Bkcty. Dkt. 24]; Order Granting Verified Ex Parte Motion for Referral to Mortgage Modification [Bkcty. Dkt. 25]; Amended Disclosure of Compensation by Attorney K. Drake Ozment [Bkcty. Dkt. 36]; Summary of Assets/Liabilities [Bkcty. Dkt. 43]; Third Amended Chapter 13 Plan [Bkcty. Dkt. 44]; Notice of Compliance with Local Rule 2083-1(B) Claims Review Requirement [Bkcty. Dkt. 46]; Objection to Claim of Educational Credit Management Corp [Bkcty. Dkt. 47]; Order Sustaining Objection to Claim(s) [Bkcty. Dkt. 64]; Motion to Allow Late Filed Claim(s) of Barry S. Mittelberg, P.A. [Bkcty. Dkt. 74]; Order Granting Motion to Allow Late-Filed Claim(s) [Bkcty. Dkt. 86]; Order Granting Motion for Relief from Stay to Remand This Matter to The State Court for a Determination of Outstanding Liens and Attorney's Fees Arising Out of a Personal Injury Settlement to Robert Walker [Bkcty. Dkt. 90]; Final Report of Loss Mitigation/Mortgage Modification Mediator [Bkcty. Dkt. 106]; [Bkcty. Dkt. 119]; Notice of Mortgage Payment Change [Bkcty. Dkt. 120];

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Notice of Mortgage Payment Change [Bkcty. Dkt. 126]; Reorganizers Robert L. Walker and Tamiko N. Peele Pending Non-Represented Attorney Joint Motion for Negative Notice, Protective Order with Sanctions and a Hearing for Violation of Court Order Dated October 29, 2020 [Bkcty. Dkt. 128]; Response to Motion for Protective Order [Bkcty. Dkt. 129]; Reorganizers Robert L. Walker and Tamiko N. Peele Pending Non-Represented Attorney Amended Joint Motion for Negative Notice, Protective Order with Sanctions and a Hearing for Violation of Court Order Dated October 29, 2020 [Bkcty. Dkt. 133]; Motion to Withdraw as Attorney of Record [Bkcty. Dkt. 136]; Transmittal to US District Court of 3/9/2021 Hearing and Transcript of 3/10/2021 Hearing [Bkcty. Dkt. 183]; Order Denying Verified Motion for Referral to Student Loan Program [Bkcty. Dkt. 193]; Motion to Vacate Agreed Order Granting Motion for Rehearing of Order Sustaining Objection to Claim No. 2 and Vacating Order [Bkcty. Dkt. 194]; Second Motion to Vacate Agreed Order Granting Motion for Rehearing of Order Sustaining Objection to Claim No. 2 and Vacating Order [Bkcty. Dkt. 198]; Debtor's Verified Motion for Referral to Student Loan Program with Lender US Department of Education [Bkcty. Dkt. 199]; Motion to Modify Plan [Bkcty. Dkt. 207]; Motion to Value and Determine Secured Status of Lien on Personal Property [Bkcty. Dkt. 209]; Notice of Filing Objection to Debtor's Request for Examination Under Rule 2004 and for Protective Order [Bkcty. Dkt. 210]; Motion to Value and Determine Secured Status of Lien on Personal Property [Bkcty. Dkt. 211]; Motion to Value and Determine Secured Status of Lien of US Bank NA d/b/a US Bank Home Mortgage et al on Real Property [Bkcty. Dkt. 212]; Notice of Filing Objection to Debtor's Request for Examination Under Rule 2004 and Motion for Protective Order [Bkcty. Dkt. 213]; Motion to Refinance and Purchase Incurring Debt Pursuant to Chapter 13 [Bkcty. Dkt. 214]; Memorandum in Support of Orders Entered May 18, 2021 [Bkcty. Dkt. 215]; Order Denying Motion at ECF (#194) [Bkcty. Dkt. 216]; Order Denying

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Motion at ECF (#198) [Bkcty. Dkt. 217]; Order Denying Motion for Referral to Student Loan Program [Bkcty. Dkt. 218]; Order Denying Motion at ECF (207) [Bkcty. Dkt. 219]; Order Denying Motion to Value and Determine Secured Status of Lien on Real Property [Bkcty. Dkt. 220]; Order Denying Motion to Value and Determine Secured Status of Lien on Personal Property [Bkcty. Dkt. 222]; and the Order Denying Motion at ECF No. 214 [Bkcty. Dkt. 223].

The Court notes that many of these “appeals” are not just from orders entered by the Bankruptcy Court, but many are, in fact, purported appeals of Appellants’ *own filings*. In addition to the “appeals” from certain entries in the bankruptcy record, Appellant Peele has filed several pending motions<sup>3</sup> in the *Peele v. Weiner et al.* case, including:

- Appellants’ Motion for Temporary Injunction [ECF No. 11]. In this motion, Appellants appear to (1) seek a stay of the case; (2) a Court order forcing creditors to refinance the Appellants’ debt; and (3) the issuance of injunctions, both temporary and mandatory, against a slew of parties and non-parties in the case [ECF No. 11 p. 37–46].
- Appellants’ Motion to Certify June 8, 2021 Order for Interlocutory Appeal Pursuant to 28 U.S.C. 1292(b) [ECF No. 14]. Although the title of this Motion references a Court order from June 8, 2021, the Motion itself states that Appellants seek leave to file an interlocutory appeal of an order entered by this Court on May 8, 2021 [ECF No. 34 p. 28], which is impossible because the Court was assigned the *Peele v. Weiner et al* case on May 11, 2021 [ECF No. 3]. Additionally, Appellants appear to have copied and pasted language found on the internet from another case, as the motion contains the following non sequitur:  
“[a] stay pending the results of an immediate interlocutory appeal also will not interfere

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<sup>3</sup> Although the titles of the motions are described as being filed only by Appellant Peele, the argument sections of the motions contain references to the motions being jointly filed by both Robert L. Walker and Tamiko N. Peele.



CASE NO. 21-80855-CIV-CANNON

with Plaintiffs posting: it remains on YouTube and, as the Court noted, has been viewed there more than a half-million times” [ECF No. 14 p. 34 (emphasis added)]. For clarity, the Court has never referenced “Plaintiff’s posting” on YouTube in this case or in any other order related to the Appellants’ bankruptcy appeal.

- Appellants’ Motion for Legal Fees, Costs and Expenditures [ECF No. 18]. Appellants request that the Court “issues expenditures related to the govern and the Docketing Fees, Expenditures and costs that are taxable in this court,” as well as enter injunctions against a variety of parties [ECF No. 18 pp. 23, 30–33].
- Appellants’ Compromise Settlement and Controversy [ECF No. 25]. Appellants repeat hefty portions of their earlier filings, but also request that the Court “Relinquish the Appellant(s) alleged Two (2) Separate Settlement Proceeds, Totaling of One Hundred and Eighty Thousand Dollars(\$ 180,000.00) with Compounding Interest and Sanctions,” and further state that Appellants “have been deprived of those funds Since on or about April 2017 and is continuous causing Financial Genocide is under the Jurisdiction of This Court and or The Eleventh Circuit Court of Appeals” [ECF No. 25 pp. 61–62].

Also pending before the Court are two Motions to Dismiss filed by two Appellees in this action. The first is filed by Appellee Robin R. Weiner, who argues that (1) the current bankruptcy appeal is moot because Judge Kimball dismissed the underlying case in the Bankruptcy Court; (2) Appellants’ filing are vexatious and should be stricken; and (3) Appellants fail to state a claim upon which relief can be granted [ECF No. 24 pp. 6–8]. Appellants have not responded to the Weiner Motion to Dismiss, and their time for doing so has expired.

The second Motion to Dismiss is filed by the United States Social Security Administration [ECF No. 27]. The Agency argues that the Court should dismiss the appeal against it for lack of

subject-matter jurisdiction because (1) neither the Agency nor its employees were served with process; (2) The Agency is not a properly named creditor in the bankruptcy action and never made a claim against the Debtors' estate; and (3) "sovereign immunity bars Debtors from suing the Agency and its Employees" [ECF No. 27 pp. 9–12]. Appellants filed a 1,294-page response with exhibits [ECF No. 28], none of which is coherent or compliant with the Local Rules.<sup>4</sup>

### DISCUSSION

Upon review of the array of filings, the Court notes that, even construing Appellants' *pro se* pleadings liberally, Appellants' Notices of Appeal, their Initial Briefs, 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 Appellants seek, against which parties, or based on what alleged errors or underlying facts.

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 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)).

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<sup>4</sup> See S.D. Fla. L.R. 87.4(f)(2) and Fed. R. Bankr. P. 8013(f)(3)(A) (stating that "a motion or a response to a motion produced using a computer must include a certificate under Rule 8015(h) and not exceed 5,200 words").

Appellants have a history of vexatious filings from their bankruptcy case. Indeed, when this case was pending in the Bankruptcy Court, Judge Kimball correctly noted that the Appellants had inundated the record with incomprehensible filings:

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)].

In this combined appeal, Appellants' filings amount to a "hodgepodge of unsupported assertions, irrelevant platitudes, and legalistic gibberish," and the Court has no obligation to "suffer in silence the filing of baseless, insupportable appeals presenting no colorable claims of error and designed only to delay, obstruct, or incapacitate the operations of the courts or any other governmental authority." *Crain v. Comm'r*, 737 F.2d 1417, 1418 (5th Cir. 1984).

In sum, 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. The underlying appeals from the bankruptcy court are due to be dismissed altogether. Accordingly, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. This consolidated appeal is **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court is instructed to **CLOSE** this case.
3. All deadlines are **TERMINATED**, and all pending motions are **DENIED AS MOOT**.

CASE NO. 21-80855-CIV-CANNON

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida this 4th day of February  
2022.



AILEEN M. CANNON  
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Robert L. Walker  
Tamiko N. Peele  
4001 S.W. Melbourne Street  
Port Saint Lucie, Florida 34953  
954-709-0102  
PRO SE

# EXHIBIT E

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.

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**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  
Port Saint Lucie, Florida 34953  
954-709-0102  
*PRO SE*

# EXHIBIT F



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.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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# EXHIBIT G

**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.

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**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.<sup>1</sup> 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

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<sup>1</sup> 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." *Hamminen 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 H

**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  
Port Saint Lucie, Florida 34953  
954-709-0102  
*PRO SE*

No. \_\_\_\_\_

---

IN THE  
**Supreme Court of the United States**

---

ROBERT L WALKER AND TAMIKO N PEELE,

*Applicants,*

v.

UNITED PARCEL SERVICE INC, *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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THE UNITED STATES DEPARTMENT OF JUSTICE  
through its UNITED STATES TRUSTEE PROGRAM,  
REGION 21 and it's Officials THE CHAPTER 13 TRUSTEE,  
ROBIN R WEINER P.A., ERIK P KIMBALL, ROBIN R WEINER,  
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THE UNITED STATES OF AMERICA INC.,  
through its SOCIAL SECURITY ADMINISTRATION PROGRAM,  
it's Cooperative Disability Investigations Program (CDI),  
and its Social Insurance Administrators VELMA T BLAINE,  
JAMES PEAVY, ANTONIO MIGUEL QUINONES,  
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THE UNITED STATES OF AMERICA INC.,  
through its UNITED STATES POSTAL SERVICE INC.,  
its Postmasters DAVID C. GUINEY, RAYMOND P. COWLEY,  
LOUIS DEJOY, MAIL HANDLERS, and  
MAIL CARRIERS for P.O. Box 8106, Fort Lauderdale, Florida 33310  
and 4001 SW Melbourne Street, Port Saint Lucie, FL 34953,  
and DOES 1-3 inclusive in their individual Capacity for  
THE UNITED STATES POSTAL SERVICE INC.  
c/o US ATTORNEY'S OFFICE  
99 NE 4<sup>th</sup> Street.,  
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MIAMI, FLORIDA 33132  
Telephone:(305) 961-9334  
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Mrs. Charlotte Young

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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

c/o SHAWDE & EATON, P.L.,

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TRANSITIONAL GUARANTY AGENCY, FFEL Acct#22395475/  
Acct#1274983, and U.S. Currency Debt Notes of \$14,713.00  
111 South Washington Avenue  
Suite 1400  
Minneapolis, MN 55401  
Email: [jeaton@shawde-eaton.com](mailto:jeaton@shawde-eaton.com)

NELNET TOTAL & PERMANENT DISABILITY.,  
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1792 BELL TOWER LANE  
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U.S. BANK HOME MORTGAGE, INC., a Delaware  
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  
BONIAL & ASSOCIATES, P.C, MATTHEW L. TILLMA  
800 Nicollet Mall  
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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  
Attention: Legal Department (Employment)  
55 Glenlake Parkway, NE  
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THE TRAVELERS IDEMNITY COMPANY OF  
AMERICA., POLICY NO. Y-630-9026R129-TIA-10,

CLAIM #EPF3042011

ONE TOWER SQUARE

Hartford, CT 06183

Email: [mkatler@travelers.com](mailto:mkatler@travelers.com)

KONE HOLDINGS, INC.,

One KONE Court

Moline, IL 61265

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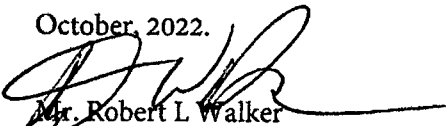
OLD REPUBLIC INSURANCE COMPANY. Policy# MWZY 57732,  
The Individuals, Corporations, Unincorporated, Partnerships, Officers,  
Jane Does, John Does Legal Representatives, its adjusters, all known persons  
and unknown persons who claim any interest in the subject matter of this action,  
and the Contents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

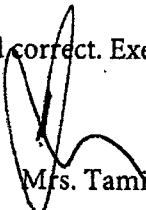
PROFESSIONAL BUREAU OF COLLECTIONS OF MARYLAND, INC.  
5295 DTC PARKWAY  
GREENWOOD VILLAGE, CO 80111

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,

  
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*Pro-Se Applicants*



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

-----  
**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.



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

Respectfully,



Ms. Tamiko N Peele  
s/s Tamiko Peele, all rights reserved  
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*Petitioners-for-Applicants*

