No. 22 - _____

IN THE SUPRME COURT OF THE UNITED STATES

In re: Christina Marie McLaughlin

Petitioner

Motion to Direct the Clerk of the Court to file out-of-time Petition for Writ of Certiorari
Or
On Petition for Writ of Mandamus to the United States Court of Appeals for the Eleventh Circuit

---

MOTION TO DIRECT THE CLERK OF THE COURT TO FILE OUT-OF-TIME PETITION FOR WRIT OF CERTIORARI

Or

WRIT OF MANDAMUS

Christina M. McLaughlin
Appears Pro Se and
In Forma Pauperis

QUESTION PRESENTED

Did the U.S. Court of Appeals for the Eleventh Circuit ("Eleventh Circuit") err by backdating the "Entry of Judgment Date" to the "Opinion Issuance" date and thereby, deliberately and maliciously shortcut the Petitioner's time available pursuant to Rule 13.1, and *Chavers v. Secretary, Florida Dept. of Corrections*, 468 F.3d 1273, 1276 (11th Cir. 2006) to file a Petition for Writ of Certiorari and cause the Court's denial of Petition for Writ of Certiorari as "out-of-time" to be miscarriage of justice?

PARTIES TO THE PROCEEDINGS

1. Petitioner – Christina McLaughlin
2. Respondent – The U.S. Court of Appeals for the Eleventh Circuit

Other Interested Parties:

3. United States District Court for the Southern District of Florida- Chief Judge Kevin Michael Moore
4. Florida International University- Board of Trustees
5. Claudia Puig, Chair of FIU Board of Trustees- In her official capacity
6. Mark B. Rosenberg, President of FIU- In his official capacity
7. R. Alex Acosta, Dean of the FIU College of Law 2009-2017- In his official capacity

8. Tawia Baidoe Ansah, Interim Dean FIU Law 2017, In his official capacity
9. Joycelyn Brown, FIU Adjunct Professor of Law 2016-2017, In her official capacity
10. Howard Wasserman, FIU Professor of Law, In his official capacity and personally
11. Rosario L. Schrier a.k.a Lozada, FIU Professor of Law, In her official capacity
12. Thomas E. Baker, FIU Professor of Law, In his official capacity;
13. Scott F. Norberg, FIU Professor of Law, In his official capacity;
14. Noah Weisbord, FIU Associate Professor of Law 2016-2017, In his official capacity
15. Marcy Rosenthal, Assistant Dean of Academic Affairs, In her official capacity
16. The Board of Governors for the State University System of Florida
17. Ned C. Laudenbach, Chair of Florida Board of Governors of State University System, In his official capacity
18. Iris Elijah, Assistant Counsel Florida Board of Governor, In her official capacity
19. U.S. Department of Education
20. Elizabeth D. Devos, Secretary U.S. Dept. of Education, In her official capacity

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, Ms. McLaughlin states that Petitioner is not a corporation.

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APPENDIX

OPINIONS AND ORDERS ENTERED

On June 14, 2022, the Eleventh Circuit noticed that the opinion issued on April 22, 2022 is adjudged, ordered and decreed final. According to the plain language of the Eleventh Circuit Court of Appeal judgment, April 22, 2022 is the date of opinion issuance. See Appendix A. Pursuant to Rule 13.3, time runs from the date of judgment entered not the opinion issuance date. In *Chavers v. Secretary, Florida Dept. of Corrections*, 468 F. 3d 1273, 1276 (11th Cir. 2006) the time to file is from final order date not opinion issuance date. I, the pro se petitioner, relied on *Chavers,* Rule 13.3 and the Eleventh Circuit language to calculate time. The Petitioner asserts that the final order on June 14, 2022 should be the judgment date and that the dated April 22, 2022 order is the opinion issuance date. The Eleventh Circuit denied the full permitted time to file a Petition for Writ of Certiorari under Rule 13.3 and contradicted the Eleventh Circuit's *Chavers* decision in to intentionally prejudice the Petitioner. Shortcutting the petitioner's time to file a Petition for Writ of Certiorari is a miscarriage of justice and highly prejudicial.

USCA 11 #21-11453- April 22, 2022 Opinion issuance

US District Court 1:20-cv-22942-KMM- Omnibus Order April 12, 2021

JURISDICTION

On September 14, 2022, the Clerk of Court of the Supreme Court of the United States denied filing the Petition for Writ of Certiorari as out-of-time under Rule 13.2. The Petitioner called the Clerk of the Court twice and left voicemail messages. Upon no response, the Petitioner submitted a correspondence on September 21, 2022, requesting a reconsideration of the jurisdictional argument. See Appendix B. The Petitioner received a response on October 12, 2022 (Postmarked 10/04/2022 but we are in Hurricane Ian Disaster Zone). The Clerk instructed the Petitioner to file a motion to direct the Clerk to file out-of-time Petition for Writ of Certiorari. See Appendix C. The Petitioner has no recourse, no right of review, no procedure for appeal except to file an extraordinary Writ of Mandamus. The Petitioner respectfully requests the Court to grant motion to file the out-of-time Petition for Writ of Certiorari in the interest of justice. Or in the alternative, order the Eleventh Circuit to date the final judgment on June 14, 2022, the date the Petitioner was noticed adjudged, final order and decreed. In which case, the Petition for Writ of Certiorari is timely filed. The petitioner files this motion as per Clerk of the Court's instructions.

RELEVANT LEGAL PROVISIONS

1. Due Process Clause of the Fourteenth Amendment to the U.S. Constitution: "No State shall make or enforce any law which shall abridge the privileges

or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law. . . "

2. Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; . . . nor deny to any person within its jurisdiction the equal protection of the laws. . . ."
3. Fifth Amendment to the U.S. Constitution: "nor be deprived of life, liberty, or property, without due process of law. . . "
4. Supreme Court Rule 13.1- A Petition is timely filed when "it is filed with the Clerk of this Court within 90 days after entry of the judgment."
5. Supreme Court Rule 13.2- "The Clerk will not file any petition for a writ of certiorari that is jurisdictionally out of time."
6. Supreme Court Rule 13.3 - "The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought tbe reviewed, and not from the issuance date of the mandate (or its equivalent under local practice)."
7. *Chavers v. Secretary, Florida Dept. of Corrections*, 468 F. 3d 1273, 1276 (11th Cir. 2006) (time tolls from the order entry date, not the date of "Issuance").

STATEMENT OF THE CASE

I. Facts pertaining to the denial of Petition for Writ of Certiorari as "out-of-time."

The Petitioner alleges that the Eleventh Circuit deliberately and maliciously backdated the entry of judgment to shortcut Petitioner's available time to develop a full and careful petition for the Court's consideration. On April 22, 2022, the Eleventh Circuit denied Petitioner's appeal on case USCA 11 #21-11453 and issued an opinion. See Appendix D. On June 14, 2022, the Eleventh Circuit noticed a final order, adjudged and decreed. The Eleventh Circuit correspondence states that "[t]he court's

opinion was previously provided on the ***date of issuance***." See Appendix A. The date of Issuance was April 22, 2022. On June 14, 2022, the Eleventh Circuit ordered that the opinion issuance date, April 22, 2022 is the same judgment date.

The Eleventh Circuit disregarded the *Chavers* holding that time runs from the date of the order, not the issuance date. *See Chavers*, 468 F.3d at 1276. Supreme Court Rule 13.3 states "The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice)." Petitioner relied on the Eleventh Circuit decision in *Chavers* and the Eleventh Circuit correspondence stating that the April 22, 2022 as the issuance date, and timely submitted Petition for Writ of Certiorari on September 9, 2022 within 90 days of the notice of "Order, Adjudged and Decreed." Ninety days from June 14, 2022, the notice of judgment entered runs until September 12, 2022. Petitioner timely submitted a Petition for Writ of Certiorari on September 9, 2022. On September 14, 2022, the Clerk of the Supreme Court refused to consider the Petition as jurisdictionally "out-of-time."

Petitioner left two voicemail messages at the Clerk's office. Upon no response, the Petitioner submitted a correspondence on September 21, 2022, requesting a reconsideration of the jurisdictional argument. See Appendix B. The Petitioner received a response on October 12, 2022.[1] The Clerk instructed the Petitioner to file

[1] Postmarked 10/04/2022 but likely delayed because Ms. McLaughlin is in Hurricane Ian Disaster Zone.

a motion to direct the Clerk to file out-of-time Petition for Writ of Certiorari. See Appendix C. The Petitioner, deprived of any remedy at law, files this motion to direct the Clerk to file the out-of-time Petition, or in the alternative files this Petition for Writ of Mandamus.

II. Facts pertaining to the Eleventh Circuit denial of appeal.

The Eleventh Circuit has demonstrated extreme bias and employed every judicial ploy to disadvantage and prejudice the Petitioner. The Eleventh Circuit denied an appeal of violation of fundamental procedural due process rights based on the well-settled *Ewing/Horowitz* standard without ever mentioning *Ewing/Horowitz.* See Appendix D. The Respondents/State Defendants, Florida International University (FIU) openly and in plain language admit to the Eleventh Circuit, that I was academically dismissed as a law student without any notice or pre-deprivation due process. See Appendix E. FIU plainly stated that I am **"entitled to no more process than "notice via academic regulations"**. . . See Appendix E- at 21. FIU does not dispute that I never received any communication of poor academic performance. *Id.* FIU does not dispute that I was never placed in remediation or academic probation and never given a pre-deprivation opportunity to dispute or object. *Id.* There is no dispute that **I WAS IN GOOD ACADEMIC STANDING UNTIL THE MOMENT I RECEIVED A FINAL ACADEMIC DISMISSAL.** Furthermore, FIU claims that a post-deprivation meeting called a "Petition-for-Readmission" that maintain the academic dismissal as final, permanent and without any chance of reversing as a meeting that satisfies the well-settled standard under

Brown then stated that she had not applied the grading rubric and graded me low in all categories because she didn't like my "style." Prof. Brown made it clear that her animus for my political viewpoint was a material factor in her academic decisions.

The Eleventh Circuit's complete blindness to FIU's statement that Ms. McLaughlin is not "entitled" to the *Ewing/ Horowitz* standard and that FIU College of Law codified that lack of process into the school's regulations is so far departed from justice that this Court's conscience should be shocked. See *Cty. Of Sacramento et al. v. Lewis. et al.*, 523 U.S. 833, 847 (1998). The Eleventh Circuit arbitrary and capricious analysis of Petitioner's appeal rises to the level of conscience-shocking judicial conduct.

The Eleventh Circuit's de novo review completely ignored sufficient, detailed allegations that a state law school and its governing board politically targeted Ms. McLaughlin because she is politically conservative by using fraudulent grades, non-academic standards dismissal in an effort to infringe the exercise of her conservative disfavored political participation and quash her career opportunity as a conservative lawyer. The Petitioner's allegation of the DOE's bad faith acts was completely

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(International Law) frequently claimed that President Trump's "Muslim Ban" is justified cause for his arrest and trial by an International tribunal for crimes against humanity. Prof. Shrier (Legal Research and Writing I) routinely campaigned for Hillary Clinton before the election and bashed President Trump post-election. Prof. Wasserman (Civil Procedure) used his class to undermine all of Trump's policies by reading his political blogs out-loud. Constant, classroom, anti-Trump demonstrations and discussions went on throughout my 1L year reaching a feverish pitch by May 2017. FIU Law employed a form of legal Lysenkoism, in which legal principles were distorted and manipulated to reach the pre-determined political objective that President Trump was evil and his policies unlawful.

disregarded. The following alleged facts are sufficiently egregious to survive a motion to dismiss of any claim of sovereign immunity.

a. FIU's admission defying the well-settled *Ewing/Horowitz* standards.

b. FIU's refusal to investigate allegations of bad faith and the use of non-academic norms to determine an academic dismissal.

c. Florida Board of Governors allowing a non-attorney to make legal constitutional determinations.

d. Florida BOG failure to investigate a student complaint concerning political discrimination and retaliation in an unlawful academic dismissal.

e. The DOE's admission of withholding a final determination letter for more than four years without explanation except a dismissive excuse of "continuing investigation." See Appendix F.

f. The DOE's open weaponization and repudiation of FERPA legislative intent in the Buckley/Pell Amendment that FERPA may be used to determine whether grades are mis-recorded or inaccurate.[3]

The appeals court's de novo review completely ignored allegations of infringement of freedom of speech, suppression of political viewpoint, hostile education environment and indoctrination and "bad faith, ill-will and other ulterior

[3] Joint Statement in Explanation of Buckley/Pell Amendment Vol 120 Page 39862 through 39866 clearly states that "It is intended only that there be procedures to challenge the accuracy of institutional records which record the grade which was actually given. Thus, the parents or student could seek to correct an improperly recorded grade."

motives." The Eleventh Circuit refusal to address the plaintiff's allegations of defendants' discrimination for political viewpoint is a complete abrogation of well-settled law. *See Horowitz*, 435 U.S. at 86 (academic dismissals must be determined with careful and deliberate consideration, allegations of bad faith, ill-will and other ulterior motives will foreclose the university's defense of academic discretion). The Eleventh Circuit worked in unison with the lower courts to sustain the courts' collegiate relationship with the federal agency and FIU to deprive me of my liberty interest in my good name, reputation, career and future earnings.

Additionally, the Eleventh Circuit misrepresentation that, I, Petitioner had waived an opportunity to amend the complaint is so unethical and egregious that it requires this Court to exercise its supervisory authority. See Appendix D at 9, 14. It is an undisputed fact that the District court dismissed all claims against all defendants **WITH PREJUDICE** (except for one against Wasserman, personally) on the **first** motion to dismiss. The District court declined supplemental jurisdiction over the one tort claim dismissed without prejudice. The Petitioner had no opportunity to amend the complaint concerning violations of constitutional rights. The Eleventh Circuit upheld the lower court's decision to deny the Petitioner's first request for leave to amend. The Eleventh Circuit, also, relied on *Weiland*, to affirm the lower court's dismissal with prejudice. The Eleventh Circuit misapplied the holding in which granted leave to amend a compliant for the fourth time. *See Weiland v. Palm Beach Cty. Sheriff Off.*, 792 F.3d 1313. 1325 (11th Cir. 2015). The Petitioner alleges that the Eleventh Circuit is so poisoned by liberal bias and a covert intent to protect the

educational establishment and the Southern District court's abuse of power that it distorted well-established fundamental principle of law such as granting leave to amend liberally and to prevent this case to be determined on the merits.

III. Facts pertaining to the Southern District of Florida denial of leave to amend.

The Petitioner filed a complaint on July 16, 2020. The first three judges assigned recused themselves from presiding over this case presumably because of lack of impartiality towards the defendants.[4] See Appendix G. Within 24 hours of case assignment to Chief Judge Kevin Michael Moore, the court sua sponte ordered Plaintiff to file a Joint Scheduling Report (JSR) before waiver of service was received.[5] *See Id.* Mysteriously, the district court's electronic notification never sent an email to the Plaintiff. The Petitioner/Plaintiff was never aware of the court's sua sponte order. The District court administratively closed the case before defendants' response and before any defendants' attorney had filed a notice of appearance. *See Id.* It is important to note that all of the District court's action occurred during the height of

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[4] State's Attorney, Lourdes Wydler has directly threatened, several times, that I will never work as an attorney because of FIU's widespread power and influence. To that extent, my Florida Bar exam was turned off for 45 minutes on day 1 and 20 minutes on day 2 for "technical difficulties." No other explanations were given despite no other person suffered any "technical difficulties" at the same venue and my computer passed all pre-tests. I sent a written formal complaint to The Florida Bar and The Florida Board of Bar Examiners. Neither entity ever responded. To this day, The Florida Bar has slow walked or obstructed my ability to apply for any other Bar in the country. I believe I am blacklisted by Florida's legal community.

[5] A review of Judge Moore's docket reveals that the court never sua sponte ordered a Joint Scheduling Report before the defendants' were served, in this manner, to any other case, for the previous three years.

the COVID-19 Pandemic (Summer 2020), when it was exceedingly difficult to obtain service on the defendants. Unconscionably, Plaintiff's Motion for Enlargement of Time was denied. *See Id.*

On November 10, 2022, Petitioner filed a Joint Scheduling Report, in compliance with the court's order. Two days later the District Court ignored all of the JSR's strenuously negotiated and agreed to dates and deadlines and set a different trial date. The District court granted all of Defendants' motions and denied all of Plaintiff's motions. All of the courts writings had a belligerent, condescending tone towards the Petitioner/Plaintiff. The Petitioner contends that the District court abused its judicial discretion and used procedural ploys to disadvantage and prejudices the Plaintiff.

The District court refuted all claims against each defendant with particularity and specificity and yet granted defendants' motion to dismiss for making a shotgun pleading. See Appendix H. "A dismissal under Rules 8(a)(2) and 10(b) is appropriate where "it is *virtually impossible* to know which allegations of fact are intended to support which claim(s) for relief." *See Anderson v. Dist. Bd. of Trustees of Central FL Comm. Coll., et al.*, 77 F.3d. 364, 366 (11th Cir. 1996) (emphasis added); *See also Weiland* 792 F.3d at 1325. The District court dismissed all Petitioner's claims on the merits. The district court's reasoning cannot be squared. If all claims can de determined to lack merit, in a motion to dismiss, and dismissed with prejudice then how can the complaint also violate Rule 8(a)(2) and 10(b) and not be granted leave to amend on the first request?

REASONS FOR GRANTING MOTION TO FILE PETITION FOR WRIT OF CERTIORARI OR THE WRIT OF MANDAMUS

I. The courts have shown extreme bias against the Petitioner and used judicial trickery and procedural ploys to prevent this case from being determined on the merits and to deny justice.

Pursuant to *Cheney*, this Writ of Mandamus should be accepted and reviewed by this Court because "[n]o other adequate means [exist] to attain the relief he desires. . . [Petitioner's] right to issuance of the writ is `clear and indisputable,' [and]. . . the writ is appropriate under the circumstances." *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-381 (2004). This case is about the pervasive and systemic discrimination and retaliation perpetrated on conservative college students by educational institutions, governmental agencies ***AND*** the judicial systems tacit and covert complicity. The facts stated above do not demonstrate one small variance in law application. The Eleventh Circuit's (as well as the Southern District of Florida) acts and decisions have shown callous disregard for basic principles of law to effectuate the courts' bias. The Eleventh Circuit took every opportunity to place their thumb on the scales of justice favoring FIU and the DOE. The backdating of the judgment date to the opinion issuance date was another in a series of contemptible acts to disadvantage and prejudice the Petitioner.

The Eleventh Circuit rubberstamped the Southern District's bias. The Eleventh Circuit crushed the principle of granting leave to amend liberally. The court did not accept all facts alleged as true and, in the light, most favorable to the Plaintiff. The

courts stacked the deck procedurally against the Plaintiff. *See Ironworkers Local Union 68 v. AstraZeneca Pharm., LP*, 634 F. 3d 1352, 1359 (11th Cir. 2011). The Eleventh Circuit protected FIU and DOE and failed its appellate duty to supervise and correct miscarriages of justice.

It is inconceivable that a neutral, blind and independent judiciary could willfully ignore when a party admits to denying a law student any procedural due process in an academic dismissal because she is not "entitled" to any due process and not act in the interest of justice. The Eleventh Circuit de novo review failed to uphold the U.S. Constitution and well-established precedent (*Ewing/Horowitz*) and ignored the allegations of violations of fundamental rights to free speech and procedural and substantive due process. When the courts permit sovereign immunity to be a defense against the violation of individual fundamental rights, the courts have sanctioned tyranny.[6] When the courts abuse procedural technicalities to jerry-rig the outcome of a case, the courts cease to have any credibility. For decades, the courts have created a bubble of protection for the educational system under the guise of "academic discretion." *See Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957). In turn, the educational system used this protection to politically indoctrinate and engineer future generations of lawyers, judges and legislators towards a leftist socialist

[6] In 1960, my great-grandfather was placed on trial for the crime of refusing to swear a loyalty oath to the despotic, tyrannical Fidel Castro regime. My family suffered and struggled and immigrated to the U.S. with no intention of ever returning to a country without due process of law and respect for fundamental rights. Ironically, sixty years later, I am the victim of discrimination and retaliation for my disfavored conservative political viewpoints at the hands of a state law school, state agency, a federal U.S. agency and the courts.

agenda. FIU College of Law codified an unconstitutional process that creates a loophole for this leftist law school to cull the student body of any disfavored political ideology without any oversight or process. And the courts gave it a good seal of approval.

The Constitution matters. What is the purpose of the Constitution if the courts are unwilling to uphold its meaning? What is the purpose of the Constitution if it protects government entities by trampling on American citizen natural rights? I am one student voice challenging the Goliath that is FIU and the eight-hundred-pound gorilla that is the DOE. But, I was not aware that my biggest adversary would be the judiciary as the protector and guardian of the educational establishment. The only reason that the State defendants can so brazenly admit to the Eleventh Circuit that FIU wiped their brains with the *Ewing/Horowitz* well-settled standard and admit they intentionally did not provide any procedural due process in violation of the Fourteenth Amendment is because FIU knows that the court will never hold them accountable. The only reason that the DOE admits to holding a FERPA findings letter for more than four years is because the courts have permitted the unbridled abuse of power exerted by the executive branch on individuals.

The threshold conscience-shock inquiry is whether the acts rise to the level of a substantive due process violation. *See Lewis*, 523 U.S. at 847. This Court should exercise its authority to correct the error of the lower courts ignoring Petitioner's constitutional claims. *See Rose v. Lundy*, 455 US 509, 546 (1982). Petitioner has "no other adequate means to attain the relief [she] desires." *Cheney*, 542 U.S. at 380.

The constitutional claims pled are "clear an indisputable" that a motion or writ should be granted. *Id.* The circumstances of the pervasive efforts of the court to refuse to view the facts in the light most favorable to the claimant establishes that the "writ is appropriate under the circumstances." *Id.* This Motion or Writ of Mandamus is about official court acts so egregious and outrageous that it should shock the conscience of the Court. On May 16, 2022, Justice Clarence Thomas stated that "North is still North. . . and Right is still Right." Heritage Foundation speech. The courts' conduct in this case is not right.

CONCLUSION

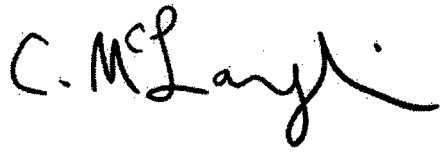
WHEREFORE, the Petitioner, a former law student, wrongfully academically dismissed and outrageously violated of her rights to procedural and substantive due process and freedom of speech because of her conservative political viewpoint by the state law school, state and federal agencies and abused by the judiciary, respectfully urges the Supreme Court of the United States of America to restore justice and fair-play to this case and grant Petitioner's Motion to file the Petition for Writ of Certiorari or in the alternative order the Eleventh Circuit to enter the judgment date as June 14, 2022 and consider the Petition for Writ of Certiorari as timely filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21th day of October, 2022, as required by Supreme Court Rule 29, I have served the enclosed WRIT OF MANDAMUS or

MOTION TO DIRECT THE CLERK OF THE COURT TO FILE OUT-OF-TIME PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

Respectfully submitted,



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SERVICE LIST

THE UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT
56 Forsyth Street N.W.
Atlanta, GA 30303

JUDGE KEVIN MICHAEL MOORE
THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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VERIFICATION OF WRIT

I, Christina Marie McLaughlin, a citizen of the United States and a resident of the State of Florida, hereby declare under penalty of perjury pursuant to 28 U.S.C. Sec. 1746 that I have read the foregoing MOTION TO DIRECT THE CLERK OF THE COURT TO FILE OUT-OF-TIME PETITION FOR WRIT OF CERTIORARI or WRIT OF MANDAMUS and the factual allegations therein, and to the best of my knowledge the facts as alleged are true and correct.

Executed the 21 day of October, 2022 at Naples, Florida.

C. M. McLaughlin

Christina M. McLaughlin

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF Collier

Sworn to (or affirmed) and subscribed before me this 21 day of October [month], 2022 [year] by Christina M. McLaughlin [name of principal]. The affiant is [choose one:] ____ personally known to me, or ✓ produced the following identification: DL.

[Notary Seal, if any]:

Notary Public State of Florida
Andrew Baumann
My Commission
HH 181677
Exp. 10/5/2025

(Signature of Notarial Officer)

Notary Public for the State of Florida

My commission expires: 10/5/2025

Appendix A
Eleventh Circuit June 14, 2022 correspondence.

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

June 14, 2022

Clerk - Southern District of Florida
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810

Appeal Number: 21-11453-BB
Case Style: Christina McLaughlin v. Florida International Univ., et al
District Court Docket No: 1:20-cv-22942-KMM

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being forwarded to counsel and pro se parties. A copy of the court's decision was previously forwarded to counsel and pro se parties on the date it was issued.

The enclosed copy of the judgment is hereby issued as mandate of the court. The court's opinion was previously provided on the date of issuance.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lois Tunstall
Phone #: (404) 335-6191

Enclosure(s)

MDT-1 Letter Issuing Mandate

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-11453

CHRISTINA MCLAUGHLIN,

Plaintiff-Appellant,

versus

FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES,
CHAIR OF FIU BOARD OF TRUSTEES,
Claudia Puig,
PRESIDENT OF FLORIDA INTERNATIONAL UNIVERSITY,
Mark B. Rosenberg,
DEAN OF THE FIU COLLEGE OF LAW 2009-2017,
R. Alex Acosta,
INTERIM DEAN FIU LAW 2017,
Tawia Baidoe Ansah, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:20-cv-22942-KMM

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: April 22, 2022

For the Court: DAVID J. SMITH, Clerk of Court

Appendix B
Petitioner's Letter to the Supreme Court Clerk of Court

Christina M. McLaughlin
10661 Airport-Pulling Road North
Suite 9
Naples, FL, 34109

September 21, 2022

Mr. Scott S. Harris, Clerk
Redmond K. Barnes
The Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Re: USCA 11 #21-11453

Dear Mr. Harris,

Respectfully, I dispute the Court's determination that my petition is out-of-time. According to the plain language of the Eleventh Circuit Court of Appeal judgment, April 22, 2022 is the date of "***opinion issuance***." See Copy Appendix C (highlights added). The Court of Appeals notified the date of judgment on June 14, 2022. I assert that the date of judgment (June 14, 2022) is the date noticed for entry of judgment and not the issuance date. "We now hold, as we said in Bond, that the entry of judgment, and not the issuance of the mandate, is the event that starts the running of time for seeking Supreme Court review, within the meaning of Supreme Court Rule 13.3 and 28 U.S.C. § 2244(d)(1)(A)." *Chavers v. Secretary, Florida Dept. of Corrections*, 468 F. 3d 1273, 1276 (11th Cir. 2006).

Rule 13.1 and 13.3 exist to give fair notice to all parties. Pursuant to Rule 13.1 and 13.3, time runs from the judgment on June 14, 2022. According to your correspondence, "The time for filing a petition for a writ of certiorari is not controlled by the date of issuance of the mandate." I, the pro se petitioner, relied on the plain language of the judgment and rule 13.1 and 13.3 to calculate time.

The Eleventh Circuit misapplied Rule 13.3 and backdated the judgment entered date to the date of "issuance" in error. The judgment order clearly states that the opinion on April 22, 2022 was the "***date of issuance***." (See Attached Appendix C).

The judgment entered was noticed on June 14, 2022, however, the judgment entered was intentionally backdated to April 22, 2022. Therefore, setting the judgement date and opinion issuance on the same day. I believe that the purposeful backdating of judgment date to the issuance date was a deliberate attempt to shortcut the Petitioner's time available to develop a full and careful petition for the Court's consideration.

The Court's denial as "out-of-time" miscalculates the deadline date for petition for writ of certiorari, and relies on the opinion issuance date. I have left two voicemail messages at the Office of the Clerk's and received no response. I am concerned that the Office of the Clerk did not read my statement for jurisdiction and the denial was given simply by looking at the dates on the docket rather than the actual language used in the judgment entered calling the opinion on April 22, 2022 an ***"issuance."*** This denial without careful consideration of my statement of jurisdiction and without careful review of the judgment language is depriving me of my right to petition for certiorari and any other conclusion is a miscarriage of justice and highly prejudicial. See attached copy of Statement of Jurisdiction.

For the above stated reason, I respectfully request the Court accept the Petition for Certiorari as timely filed.

Thank you very much for your careful consideration.

Respectfully submitted,

C. McLaughlin

Christina M. McLaughlin
10661 Airport Pulling Road North
Suite 9
Naples, FL 34109
(239) 330-2475
christy@christymclaughlin.com
Pro-Se Petitioner

PROOF OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2022, a true and correct copy of this document has been provided via email to the SERVICE LIST below.

SERVICE LIST

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Appendix C
Correspondence from Supreme Court Clerk of Court

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

October 4, 2022

Christina McLaughlin
10661 Airport-Pulling Road
Suite 9
Naples, FL 34109

RE: McLaughlin v. FL Int'l. Univ. Bd. of Trustees, et al.
USCA11# 21-11453

Dear Ms. McLaughlin:

Your papers are herewith returned for the reason(s) states in prior correspondence. A copy of the letter is enclosed.

You may resubmit your petition along with a motion to direct the Clerk to file out-of-time.

Sincerely,
Scott S. Harris, Clerk
By:
Redmond K. Barnes
(202) 479-3022

Enclosures

Appendix D
Eleventh Circuit opinion

[DO NOT PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 21-11453

Non-Argument Calendar

CHRISTINA MCLAUGHLIN,

Plaintiff-Appellant,

versus

FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES,
CHAIR OF FIU BOARD OF TRUSTEES,
Claudia Puig,
PRESIDENT OF FLORIDA INTERNATIONAL UNIVERSITY,
Mark B. Rosenberg,
DEAN OF THE FIU COLLEGE OF LAW 2009-2017,
R. Alex Acosta,
INTERIM DEAN FIU LAW 2017,

Tawia Baidoe Ansah, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:20-cv-22942-KMM

Before WILSON, BRASHER, and ANDERSON, Circuit Judges.

PER CURIAM:

After she was dismissed from Florida International University College of Law, Christian McLaughlin filed an eleven-count, 115-page complaint against seventeen named defendants, alleging that she was "systematically targeted . . . for academic expulsion because she openly supported and volunteered for the Republican party," including former President Donald Trump. Her amended complaint contained numerous overlapping constitutional, statutory, and state law tort claims against the defendants. The district court dismissed McLaughlin's claims on multiple alternative grounds. Relevant here, it dismissed her claims against the federal defendants for reasons of sovereign immunity and failure to exhaust administrative remedies. And it dismissed her claims against

the state defendants and Professor Wasserman in his individual capacity on shotgun pleading grounds. After review, we affirm.

I.

Christina McLaughlin was enrolled as a first-year law student at Florida International University College of Law during the 2016-2017 academic year. During that year, she was a vocal supporter of the Republican party on social media. Not long after the school year was under way, it was "evident to all the surrounding classmates that [Plaintiff] was a Donald Trump supporter." McLaughlin "noted an almost immediate difference in attitude and behavior from classmates, professors, and FIU administration" and alleges that "FIU Law began an intentional hostile, discriminatory and retaliatory campaign" against her. She "felt threatened and stifled to voice any comments in support of President Trump for fear of further retaliatory action especially concerning grades." McLaughlin "felt unsafe to show any expression of her political allegiance such as wearing a 'Trump/Pence' shirt or hat because of the vitriol expressed by the law professors."

At the end of her spring semester at FIU Law, McLaughlin received notice that her GPA had fallen below 2.0, and that, consequently, she had been dismissed from FIU Law. McLaughlin petitioned the law school for readmission, arguing that her dismissal was procedurally unfair because she had not been given advance warning of her expulsion, and that at least one of her professors had used non-academic standards for grading. After she was denied

readmission, she petitioned FIU, contacting the University's general counsel and president, the Florida state university system's Board of Governors, and the federal Department of Education. Unable to obtain relief, McLaughlin filed suit in federal district court.

McLaughlin's amended complaint contains claims against seventeen named defendants, which fall into roughly three classes: the federal defendants, including the federal Department of Education and Secretary of Education; the state defendants, including various educational officials affiliated with FIU and the Board of Governors for the state's university system; and Professor Howard Wasserman who, unlike the other defendants, was sued in both his official *and individual* capacities. All other defendants were sued in their official capacities only.

McLaughlin's amended complaint contains a smattering of overlapping constitutional, statutory, and state law tort claims against the defendants. She alleges that defendants violated her First Amendment right to freedom of speech and political expression (Count I); violated her Fourteenth Amendment and Florida constitutional rights to due process (Count II); violated her Fourteenth Amendment and Florida constitutional rights to equal protection of the law (Count III); breached their legal obligation to properly enforce a student complaint under the Family Educational Rights and Privacy Act (Count IV) ; violated her rights under FERPA and Florida's Student and Parental Rights and Educational Choices Act (Count V); denied her right to assistance of counsel under federal law (Count VI); engaged in fraud (Count VII);

engaged in a civil conspiracy (Count VIII); breached their fiduciary duty (Count IX); were negligent (Count X); and engaged in defamation (Count XI). McLaughlin seeks injunctive and declaratory relief, as well as damages in excess of 25 million dollars.

The federal defendants, state defendants, and Professor Wasserman each moved to dismiss the various claims against them. The district court granted all three motions to dismiss. First, as to the federal defendants, the court dismissed all claims against them with prejudice for reasons of sovereign immunity and failure to exhaust administrative remedies. It then explained several other alternative grounds on which it could have dismissed the federal defendants. Second, as to the state defendants, the court held that McLaughlin's amended complaint was a shotgun pleading, warranting dismissal without prejudice. It then explained that even if it considered McLaughlin's claims against the state defendants as formulated in the amended complaint, they failed on their merits and would be dismissed with prejudice.

Finally, as to Wasserman, the district court again held that McLaughlin's amended complaint was a shotgun pleading, warranting dismissal without prejudice. And, again, it explained that if it considered the claims against Wasserman as formulated in the amended complaint, they failed on their merits.

In its dismissal order, the district court invited McLaughlin to cure any pleading deficiencies by filing an amended complaint within twenty-one days. Rather than amend, McLaughlin appealed.

II.

We review a district court's dismissal for failure to state a claim or lack of subject-matter jurisdiction *de novo*. *See Michel v. NYP Holdings, Inc.*, 816 F. 3d 686, 694 (11th Cir. 2016) (citing *Simpson v. Sanderson Farms, Inc.*, 744 F. 3d 702, 705 (11th Cir. 2014)). We accept the allegations in the operative complaint as true and construe them in the light most favorable to the plaintiff. *Ironworkers Local Union 68 v. AstraZeneca Pharm., LP*, 634 F. 3d 1352, 1359 (11th Cir. 2011).

When a district court dismisses a complaint because it is a shotgun pleading, we review that decision for abuse of discretion. *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021) (citing *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1294 (11th Cir. 2018)).

III.

We affirm the district court's dismissal of all of McLaughlin's claims against all defendants. We divide our discussion into two parts. First, we discuss the district court's dismissal of McLaughlin's claims against the federal defendants on the merits. Second, we discuss the dismissal of McLaughlin's claims against the state defendants and Wasserman on shotgun pleading grounds. In both instances, we affirm the district court.

A.

The district court dismissed McLaughlin's claims against the federal defendants on several alternative grounds. It held that

to make "passing references" to a district court's holdings, "without advancing any arguments or citing any authorities to establish that they were error." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014). *See also United States v. Jernigan*, 341 F.3d 1273, 1283 n.8 (11th Cir. 2003) ("[A] party seeking to raise a claim or issue on appeal must plainly and prominently so indicate" and "must devote a discrete, substantial portion of his argumentation to that issue."). We have held that "[t]o obtain reversal of a district court judgment that is based on multiple, independent grounds, an appellant must convince [this Court] that every stated ground for the judgment against him is incorrect." *Sapuppo*, 739 F.3d at 680.

Though McLaughlin's brief McLaughlin restates her allegations against the Department of Education in the section titled "Statement of the Facts," it makes no substantive argument that the district court's order dismissing the federal defendants was error. *See Greenbriar, Ltd. v. City of Alabaster*, 881 F.2d 1570, 1573 n.6 (11th Cir. 1989) (an appellant's reference to an issue "in its Statement of the Case in its initial brief," without elaborating any argument on the merits, was insufficient to raise the issue on appeal).

McLaughlin's brief contains no argument challenging the district court's holding that sovereign immunity bars McLaughlin's constitutional claims against the federal defendants. She argues that the district court erred in holding that several Florida state defendants were shielded by sovereign immunity. As to the federal defendants' sovereign immunity defense, McLaughlin makes only

two points, neither of which are relevant: (1) she discusses the "discretionary function" exception to the FTCA, which was not the basis for the court's ruling, and (2) she cites the standard for *qualified* immunity, which is not relevant to the federal defendants.

Nor does McLaughlin dispute the district court's dismissal of her fraud and civil conspiracy claims against the federal defendants for the reason that they fall into the intentional tort exception to the government's waiver of sovereign immunity. Though McLaughlin challenges the district court's alternative ruling that she failed to exhaust her administrative remedies under the FTCA, that was just one of multiple alternative grounds for dismissal, and it was not why the district court dismissed Counts VII and VIII with prejudice. Because McLaughlin failed to challenge each alternative ground on which the district court based its dismissal, she has abandoned any challenge to the district court's dismissal of her fraud and civil conspiracy claims against the federal defendants.

Finally, McLaughlin does not challenge the district court's dismissal of her FERPA-based tort claims against the federal defendants (breach of duty, breach of fiduciary duty, and negligence). She states in a conclusory manner that the court "err[ed] by not allowing [her] to amend her complaint to more precisely claim her right under Fla. Stat. [§] 1002.225(3)." But she does not advance any arguments or cite any authorities showing that the district court's ruling was erroneous. *See Sapuppo*, 739 F.3d at 681. And she rejected the district court's invitation to amend her pleadings when she elected to appeal. In any case, McLaughlin's FERPA-based tort

claims clearly fail because FERPA does not create a private right of action. *See Martes v. Chief Exec. Officer of S. Broward Hosp. Dist.*, 683 F.3d 1323, 1326 n.4 (11th Cir. 2012) (citing *Gonzaga Univ. v. Doe*, 536 U.S. 273, 290 (2002)).

Because McLaughlin failed to adequately raise arguments challenging the district court's dismissal of her claims against the federal defendants, we affirm the district court's dismissal of those claims.

B.

The district court dismissed McLaughlin's claims against the state defendants, including Wasserman, on several grounds. First, the court held that McLaughlin's amended complaint was an impermissible shotgun pleading and failed to present a "short and plain statement" of her claims, in reference to Rule 8. On that basis, the court dismissed the amended complaint "in its entirety" and without prejudice. Second, it concluded that, even if the court considered them, each of McLaughlin's claims against the state defendants nevertheless failed. It held that McLaughlin's claims against all state defendants except Wasserman failed on the merits and dismissed them with prejudice. As to Wasserman, it held that McLaughlin's federal claims against him failed on qualified immunity grounds. Then, with the federal claims dismissed, it declined to exercise supplemental jurisdiction over the remaining state law claims against him. The court then dismissed each of McLaughlin's claims against Wasserman without prejudice.

Importantly, McLaughlin then waived her right to amend by appealing. *Garfield v. NDC Health Corp.*, 466 F.3d 1255, 1261 (11th Cir. 2006). Having elected to waive her right to further amend her pleadings, McLaughlin must now stand on her amended complaint in its current form.

The Federal Rules of Civil Procedure require that a pleading contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). A district court has "inherent authority to control its docket and ensure the prompt resolution of lawsuits, which in some circumstances includes the power to dismiss a complaint for failure to comply with Rule 8(a)(2) . . . ." *Weiland*, 792 F.3d at 1320. We refer to pleadings that violate Rule 8 as shotgun pleadings. *Id.*

We have identified "four rough types or categories of shotgun pleadings." *Id.* at 1321. The first and most common type of shotgun pleading is a complaint containing multiple counts, each of which "carry all that came before" them, causing "the last count to be a combination of the entire complaint." *Weiland*, 792 F.3d at 1321. The second type is a complaint "replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action." *Id.* at 1322. Third, a complaint can violate Rule 8 by "not separating into a different count each cause of action or claim for relief." *Id.* at 1323. And finally, a complaint is a shotgun pleading if it "assert[s] multiple claims against multiple defendants without specifying which of the defendants are responsible for

which acts or omissions, or which of the defendants the claim is brought against." *Id.*

As it relates to the state defendants and Wasserman, McLaughlin's amended complaint—clocking in at 115 pages and 1,064 paragraphs—is a shotgun pleading. This is so for several reasons. First, the amended complaint contains eleven distinct "CAUSE[S] OF ACTION." But each cause of action expressly adopts the first 757 paragraphs of the complaint, which contain numerous, unrelated factual allegations supporting multiple unrelated claims against each and every defendant.

Second, the amended complaint repeats the same allegations multiple times. For example: McLaughlin alleged the same purported failure to review her grades ten times, with each instance incorporated into all eleven counts. Third, the amended complaint contains free-floating factual allegations that are not connected to a particular claim at all. For example, McLaughlin alleges that on multiple occasions, law professors had sexual affairs with students; that the dean and several FIU law professors signed a letter protesting Brett Kavanaugh's nomination to the United States Supreme Court; and that FIU negligently hired a law professor who went on to receive poor student reviews.

Finally, several of the counts McLaughlin asserts contain multiple claims or theories, against multiple defendants, without specifying which defendants the claim is brought against. For example, her first cause of action: incorporates all factual allegations contained in paragraphs one through 757, plus several additional

paragraphs of factual allegations; is predicated on the Florida Constitution and the First and Fourteenth Amendments of the U.S. Constitution; alleges a general violation of free-speech rights but fails to specify whether it was grounded in a retaliation theory or some other free speech theory; fails to specify exactly who the claim is brought against; and further alleges a private cause of action under Florida law for FERPA violations.

By pleading her claims in such fashion, McLaughlin's amended complaint bears each of the four hallmarks that we use to identify a shotgun pleading.

In her opening brief, McLaughlin argues that the district court erred in dismissing her complaint as a shotgun pleading even though it was able, after some effort, to recognize and address her claims against the federal defendants, state defendants, and Wasserman. McLaughlin also notes that the defendants were able to ascertain the claims against them well enough to draft their respective motions to dismiss. This argument lacks merit. Just because the district court and the defendants were able, after considerable time and effort, to ascertain McLaughlin's claims at the pleadings stage does not automatically mean that she has satisfied Rule 8. *See Jackson v. Bank of Am., N.A.*, 898 F.3d 1348, 1356–57 (11th Cir. 2018) (even though the district court spent "fifty-four pages and untold hours" analyzing the sufficiency of the plaintiff's individual claims under Rule 12(b)(6), the Court of Appeals affirmed dismissal on shotgun pleading grounds). Here, the district court noted that it was "unreasonably difficult to ascertain which causes of action

apply to which Defendants, and specifically on what basis." It nevertheless sifted through McLaughlin's vague and repetitive allegations, discerned the basis for each of the eleven causes of action, and identified the defendants to which they applied—but it should not have been required to expend such effort. *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997) ("Shotgun pleadings . . . impose unwarranted expense on the litigants, the court and the court's parajudicial personnel and resources.")

McLaughlin further states in her opening brief that she can "cure all pleading deficiencies" identified by the district court in an amended complaint. But that time has passed. The district court, in its dismissal order, invited McLaughlin to cure any pleading deficiencies by filing an amended complaint within twenty-one days. McLaughlin instead appealed. By appealing, McLaughlin waived her right to amend, rendering the district court's Rule 8 dismissal final. Having reviewed her pleadings and the district court's dismissal order, we conclude that the district court did not abuse its discretion in dismissing the amended complaint as a shotgun pleading. Accordingly, we affirm the district court's order dismissing McLaughlin's claims against the state defendants and Wasserman.

AFFIRMED.

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

April 22, 2022

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 21-11453-BB
Case Style: Christina McLaughlin v. Florida International Univ., et al
District Court Docket No: 1:20-cv-22942-KMM

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. Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Tonya L. Richardson, BB at (404) 335-6174.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Djuanna H. Clark
Phone #: 404-335-6151

OPIN-1 Ntc of Issuance of Opinion