

CASE # _____

**IN THE SUPREME COURT OF THE UNITED
STATES**

**Vinodh Raghubir v. United States of
America et al**

**APPENDIX TO
PETITION FOR WRIT OF CERTIORARI**

Vinodh Raghubir, petitioner

385 Red Rose Circle

Orlando, Florida 32835

407-848-8960

Vinodhraghubir@gmail.com

1. ORDER FORM UNITED STATES
DISTRICT COURT, RAGHUBIR V
BONNIE JEAN PARRISH ET AL, CASE
#6:20-CV-1883, 05/12/2021

UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA ORLANDO DIVISION
VINODH RAGHUBIR,

Plaintiff,

V.

Case No: 6:20-cv-1883-Orl-18GJK

BONNIE JEAN PARRISH, et
al.,

Defendants.

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This cause is before the Court on Plaintiff's Objection and Motion to Vacate and Clarify (Doc. 4). Plaintiff essentially seeks reconsideration of the Court's order dismissing the instant action for failure to state a claim. (Doc. 2).

Rule 60(b) of the Federal Rules of Civil Procedure allows the Court to grant relief from judgment if the movant can demonstrate mistake, excusable neglect, newly discovered evidence, fraud, a void judgment, or any other reason that justifies relief. The Court has considered Plaintiff's arguments and concludes that he has not demonstrated any basis warranting reconsideration of the Court's Order.

Accordingly, it is **ORDERED** that Plaintiff's Objection and Motion to Vacate and Clarify (Doc. 4) is **DENIED**. Additionally, Plaintiff's Objections are **OVERRULED**.

A handwritten signature in black ink, appearing to be 'G. Kendall', is written over a horizontal line.

DONE and ORDERED in Orlando,
Florida on May 2021.

G. KENDALL

SHARP
SENIOR
UNIT
ED STATES
DISTRICT
JUDGE

Copies furnished to:

**2. ORDER FROM UNITED STATES
DISTRICT COURT, RAGHUBIR V
BONNIE JEAN PARRISH ET AL, CASE
6:20-CV-1883, 02/04/2022**

UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA ORLANDO DIVISION
VINODH RAGHUBIR,

Plaintiff,

V.

Case No: 6:20-cv-1883-Orl-18GJK

BONNIE JEAN PARRISH, et
al.,

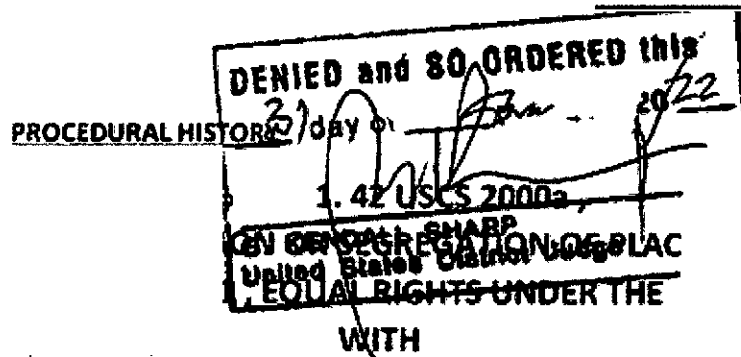
Defendants.

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Rule 60(b) of the Federal Rules of Civil Procedure allows the Court to grant relief from judgment if the movant can demonstrate mistake, excusable neglect, newly discovered evidence, fraud, a void judgment, or any other reason that justifies relief. The Court has considered Plaintiff's arguments and concludes that he has not demonstrated any basis warranting reconsideration of the Court's Order.

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UNITED STATES
COURT OF APPEALS

VINODH RAGHUBIR, PLAINTIFF
2111932

V

BONNIE JEAN PARRISH ET. AL.,

**MOTION TO VACATE DOCS
2,5,11,17,18 PURSUANT TO FRCP60
AS TO THE
FOLLOWING GROUNDS**

PROCEDURAL HISTORY

1. A complaint with demand for jury trial pursuant to **1. 42 USCS 2000a , PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION OF PLACES OF ACCOMODATIONS, 2. 42 USCS 1981 , EQUAL RIGHTS UNDER THE LAW, 3. 42 USCS 1985 , CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS,4. 42 USCS 1986, ACTION FOR NEGLECT TO PREVENT CONSPIRACY, 5. 42 USCS 1983 , ACTION FOR DEPRIVATION OF CIVIL RIGHTS, AND 6. BREACH OF CONTRACT, TUCKER ACTS**
2. ON 10/26/20 The court entered an order dismissing for alleged "failure to state a claim".
3. Motions to vacate and notices of appeals

- were filed.
4. The court proceeded to deny those motions.
 5. A habeas corpus pursuant to the habeas corpus act of 1876 was filed for relief from the restraint caused by the court's mishandling of the case.
 6. The court labeled this habe as an "amended complaint".
 7. Based on the court's labeling the habe as "amended complaint", the plaintiff filed an amended notice of appeal and a motion to vacate
 8. After the notice of appeal was entered , the court instructed the clerk to strike the habe labeled as "amended complaint".
 9. A motion to vacate was filed by the plaintiff , prior to striking of the habe labeled as "amended complaint" .
 10. The court denied that motion without prejudice.
 11. This motion follows.

ARGUMENT

1. This is a complaint alleging that 1. there was discrimination or segregation of places of accommodation, 2. equal rights was not provided, 3. there is an ongoing conspiracy to

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interfere with civil rights , 4. there was neglect to prevent the conspiracy , 5. there was a deprivation of civil rights, and 6. there is a breach of contract . At least , and thus far , ALL judiciary within 11th circuit boundaries, et . Al . are defendants with personal interest in the outcome of this case and every case ever filed, because as alleged in the complaint, the plaintiff has been defrauded of his rights , by OPERATIONAL FRAUD for 5+ years. The factual basis in EVERY ORDER issued IN EVERY case of this plaintiff DOES not exist.

The Due process clauses of the US Constitution requires judges to recuse themselves from cases in two situations :

Where the judge has a financial interest in the case's outcome.

Where there is otherwise a strong possibility that the judge's decision will be biased. (see Caperton v. A.T. Massey Coal Co. US Supreme court)

SEE COMPLAINT < DOC 1 OF 6:20CV1883>

The complaint demonstrates that NO IMMUNITY exists , resolution requires payment of money, and the accused have clearly demonstrated more than bias , by

operational fraud and various other felonies , upto but not limited to kidnapping and attempted murder of the plaintiff. The defendants have "a direct , personal, substantial , pecuniary interest" (see Tumey V Ohio 273 US 510). "The probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable"(see Withrow V Larkin 421 US 35).

THE COMPLAINT DOC 1 AND EVERY PAGE IT CLEARLY STATES, inter alia, "the captioned defendants have and are still engaging in an ONGOING CONSPIRACY TO PREDETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS, which commenced AB INITIO prior to issuance of arrest warrants...", AND UPON THE MERE CONSIDERATION OF IMPROPRIETY A JUDGE MUST BE RECUSED ON HIS OR HER OWN MOTION TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY. (SEE CODE OF JUDICIAL CONDUCT CANON 2) . A JUDGE IS NO LONGER ACTING IN JUDICIAL CAPACITY SUBSEQUENT TO FAILURE TO RECUSE ON THIER OWN MOTION PURSUANT TO CANON 2 UPON THE MERE CONSIDERATION OF IMPROPRIETY AND INSTEAD ARE ACTING AS "MINISTERS OF THIER OWN PREJUDICES" AND AS SUCH A MINISTER, RATHER THAN JUDGE, THERE IS NO JURISDICTION. THERE IS NO IMMUNITY .

The plaintiff has a right to be heard, and NO JUDGE has protected this right.

The case must be transferred to a court of proper jurisdiction in exception of 28 usc 1391, ALL judiciary within 11th circuit boundaries recused.

2. The plaintiff DID NOT consent to magistrate and at the time of filing the complaint , DEMANDED JURY TRIAL as to all issues ,which included ,inter alia ,the ONGOING , past , present , and future findings and conclusions , which DID NOT exclude , whether specific judges have jurisdiction, whether the plaintiff should proceed IFP , whether any pleading should be dismissed or denied

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with or without prejudice. The plaintiff did not waive right to jury trial. Therefore , a magistrate lacked jurisdiction . The conduct violates the plaintiff's 7th amendment right to jury trial.

3. The judge did not consider the content of the complaint.
4. The orders are void as "judgement as to fewer than all parties and all claims is not a final appealable decision" (Williams

v Bishop 11th circuit 1984).

5. Pursuant to federal rule of civil procedure 52 , if it had jurisdiction, the court was REQUIRED to state findings and conclusions.(see frcp 52). This section only excludes motions under rules 12 , 56, or unless these rules provide otherwise, therefore pursuant to frcp 52 , doc13 is not excluded, requiring statements of facts and conclusions. Rule 52 holds...

(a) Findings and Conclusions.

(1) *In General.* In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58.

(2) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

(3) *For a Motion.* The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(4) *Effect of a Master's Findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(5) *Questioning the Evidentiary Support.* A party may later question the sufficiency of the

evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(6) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility.

(b) **Amended or Additional Findings.** On a party's motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.

(c) **Judgment on Partial Findings.** If a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. The court may, however, decline to render any judgment until the close of the evidence. A judgment on partial findings must be supported by findings of fact and conclusions of law as required by Rule 52(a).

The judge failed to state ANY factual findings, and only provided "clearly erroneous" CONCLUSORY statements, therefore , the

judge failed to comply with rule 52. **THERE IS NO EVIDENCE TO SUPPORT SUCH CONCLUSIONS.** The order is VOID.

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Conclusory statement without factual statement and / or falsified fact **WITH LACK OF EVIDENCE TO SUPPORT**, included "the plaintiff is a prisoner", "plaintiff complains that he is illegally detained, and the defendants have on ongoing conspiracy to predetermine the outcome of his proceedings", "plaintiff also states that each defendant violated his constitutional rights and takes issue with the rulings in his federal habeas cases", "plaintiff seeks discharge from prison".

- a. Pursuant to rule 52, if the court concluded that "the plaintiff is a prisoner", "plaintiff complains that he is illegally detained, and the defendants have on ongoing conspiracy to predetermine the outcome of his proceedings", "plaintiff also states that each defendant violated his constitutional rights and takes issue with the rulings in his federal habeas cases", "plaintiff seeks discharge from prison" "plaintiff fails to demonstrate that the defendant judges and orange county clerk acted in clear absence of jurisdiction".. No factual statements were included and no evidence in support

exists, therefore the order is VOID.
FURTHER, THE COMPLAINT DOC 1
,WAS FILED PURSUANT TO 1. 42
USCS 2000a , PROHIBITION
AGAINST
DISCRIMINATION OR
SEGREGATION OF PLACES OF
ACCOMODATIONS, 2.
42 USCS 1981 , EQUAL RIGHTS
UNDER THE LAW, 3. 42 USCS 1985 ,
CONSPIRACY TO INTERFERE WITH
CIVIL RIGHTS,4. 42 USCS 1986,
ACTION
FOR NEGLECT TO PREVENT
CONSPIRACY, 5. 42 USCS 1983 ,
ACTION FOR
DEPRIVATION OF CIVIL RIGHTS,
AND 6. BREACH OF CONTACT,
TUCKER
ACTS, AND CLEARLY IS NOT
LIMITED TO THE COURTS
ALLEGATIONS AS TO
WHAT THE COMPLAINT
REPRESENTS. Because the court did
not consider the
complaint ,doc1 , in it's order, as
demonstrated by the fact that the court
did not consider ALL CLAIMS as to ALL
DEFENDANTS, the complaint doc1 is
still pending (see Williams v Bishop 11th
circuit 1984 "judgement as to fewer than
all parties and all claims is not a final
appealable decision".

**SEE COMPLAINT DOC 1 PARTS 1
THROUGH 7 WHICH DID NOT INCLUDE
ANY OF THE FALSIFIED FACTS ,
WHETHER BY LIMITATION OF
STATEMENT EXTRACTED FROM THE
COMPLAINT, BY THE JUDGE.**

The court KNOWINGLY , with intent to defraud, **SPORADICALLY FALSIFIED STATEMENTS , WHETHER BY LIMITATION OF CITATION FROM THE COMPLAINT , OR FAILING TO STATE FACTUAL FINDINGS IN SUPPORT OF CONCLUSORY STATEMENTS FAILING TO REVIEW THE COMPLAINT IN IT'S ENTIRETY**, thus **FALSIFIED** it's factual findings in issuance of the orders. The factual statements were clearly erroneous and there is no evidence to support the false conclusions, therefore the order is **VOID**.

6. The conclusions were **CLEARLY ERRONEOUS**, as there are no facts in the complaint to support the conclusions(see doc 1). Conclusory means “ expressing a factual inference without stating the underlying facts on which the inference is based “ (see Black's law dictionary). The issues raised must be tried by jury.

**MOST IMPORTANTLY THE RELIEF
SOUGHT WAS THAT RECORDS BE
PROVIDED,
ADMISSIONS, BE PROVIDED, TRUE
FINAL ORDERS BE PROVIDED, AND**

UPON

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**FAILURE TO PRODUCE , THE
DEFENDANTS WERE REQUIRED TO
PRODUCE
ORDERS ORDERING DISCHARGE
FOREVER AND 65 MILLION DOLLARS.
(SEE
COMPLAINT DOC 1 PARTS 1 THROUGH 7
STATING THE FACTS WHICH LEAD TO
REQUESTING SUCH RELIEF, NONE OF
WHICH INCLUDE ANY OF THE
FALSIFIED FACTS AND CONCLUSORY
STATEMENTS MADE BY G KENDALL
SHARP). THERE IS NO EVIDENCE TO
SUPPORT ANYTHING THE JUDGE
STATED.**

- 7. PURSUANT TO 28 USCS 1915A(b)
"THE COURT SHALL IDENTIFY
COGNIZABLE CLAIMS OR
DISMISS THE COMPLAINT , OR
ANY PORTION OF THE
COMPLAINT, IF THE COMPLAINT
(1) IS**

**FRIVOLOUS, MALICIOUS, OR FAILS TO
STATE A CLAIM UPON WHICH RELIEF
MAY BE GRANTED
". BECAUSE THE COURT DID NOT
ALLEGE FACTS DERIVED FROM
THE COMPLAINT DOC 1, MADE**

**CONCLUSORY STATEMENTS
BASED ON THE COURT'S VERSION
OF OTHER MATTERS, NOT THE
PLAINTIFFS, THE COURT DID NOT
COMPLY WITH 1915A.**

- 8. PURSUANT TO THE JUDICIAL
CODE OF CONDUCT CANONS 1
THRU 5 , THE JUDGE VIOLATED
ALL 5 AS ALLEGED IN THE
COMPLAINT DOC1 AND HERE .THE
ORDER IS VOID**

**WHATEVER THE ALLEGATIONS WERE,
IN ANY CASE, IF THEY ARE
ACCUSATORY OF MISCONDUCT OF A
JUDGE OR A GROUP OF JUDGES ,
THEN THOSE JUDGES MUST RECUSE ON
THEIR OWN MOTION. A
JUDGE MUST BE RECUSED ON HIS OWN
MOTION , UPON THE MERE
CONSIDERATION OF IMPROPRIETY, TO
AVOID EVEN THE APPEARANCE OF
IMPROPRIETY.**

**THE JUDICIAL CODE OF CONDUCT
CANON 2 CONFORMS TO THE US
CONSTITUTION AND COULD NOT EXIST
OTHERWISE, THEREFORE, ALL OF**

**THESE FINDINGS RELYING UPON " THE
RULE OF NECESSITY" ARE
UNCONSTITUTIONAL , THUS VOID.**

**THE FACT THAT ALL THESE CASES
EVEN EXIST , DEMONSTRATE A DISEASE**

**,
MUCH LIKE COVID 19, AMONGST THE
JUDICIAL BRANCH OF GOVERNMENT.**

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**VACCINATION IS REQUIRED, AND IS
ACCOMPLISHED BY CLEANSING OF A
HISTORY OF IMPROPER DESICIONS
RELYING UPON FALSIFIED FACT. IN
NONE OF THESE CASES ARE THE
FACTUAL STATEMENTS OR EVIDENCE
SUPPORTING THE COURT'S
CONCLUSIONS MADE, IN VIOLATION
OF FRCP 52.**

**JUDGES ARE SIMPLY NOT ABOVE THE
LAW, AND ANY ORDER/ DESICION
LICENSING A FORMAT WHERE ANY
PLAINTIFF FEELS FORCED TO CALL
INTO
QUESTION A JUDGE'S INTEGRITY IS
VOID AND UNCONSTITUTIONAL, AS THE
JUDGE ACTED INCONSISTANTLY WITH
DUE PROCESS OF LAW. THE LAYERS OF
THESE DESICIONS, SUCH AS THOSE IN
THE CASES OF THIS PLAINTIFF, MUST
BE
PEALED BACK, TO THEIR FORMER**

GLORY AND RIGHTEOUSNESS AT THE ORIGINAL CORE , SO THAT SUCH LITIGATION, IN THE FUTURE IS NOT NECESSARY. THE MERE FACT THAT SUCH CASELAW EXISTS HAS AND DOES ERODE THE PUBLIC CONFIDENCE IN THE JUDICIARY. THIS CONDUCT IS IRRESPONSIBLE AND IMPROPER BECAUSE A JUDGE MUST BE RECUSED ON HIS OR HER OWN MOTION TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY, UPON THE MERE CONSIDERATION OF IMPROPRIETY.

THIS DOES NOT MEAN THAT EVERY DECISION WAS IMPROPER, BUT THAT IF IN FACT IT WAS A PROPER DECISION, THEN THE JUDICIARY FAILED IN NOTICE OF ITS DECISION TO A PLAINTIFF. IF A DECISION IS PROPER AND THE NOTICE OF SUCH IS MADE CLEAR TO A LITIGANT THEN SUCH LITIGATION, WHETHER A JUDGE MUST BE RECUSED DUE TO IMPROPRIETY, WOULD NOT BE NECESSARY. A LITIGANT , ESPECIALLY A PRO SE LITIGANT, SHOULD NOT BE LEFT WITH QUESTIONS. THEY ARE ALL VOID, BECAUSE THE FALSIFIED FACTS AND CONCLUSIONS ARE UNCONSTITUTIONAL.

IN THIS CASE , THE JUDGE MADE A COMPLETELY ERRONEOUS CONCLUSORY STATEMENT WITHOUT FACTUAL STATEMENTS. “, in violation of frcp 52 , because the complaint , doc 1 , is not such a challenge. Evidence as to this plaintiff's allegations are not confined to orders , appeals etc. in his cases, but includes , inter alia , operational conduct by every judge in 11th circuit boundaries and, inter alia, thier findings in other cases, and the effect of those upon him.

For example , a supervisor in a 1983 case or other , although not directly connected to a claim of assault or fraud in violation of the plaintiff's civil rights ,(like the case here in 6:21cv1714), may be held liable for

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,inter alia “ failure to train”, or **“A FAILURE TO PREVENT CONSPIRACY”**(as is the case here in 6:21cv1714).

THE COURT WAS REQUIRED TO STATE FACTUAL FINDINGS IN EVERY ORDER YET KNOWINGLY FAILED TO DO SO. SPORATICALLY , AS STATED ABOVE, THE COURT KNOWINGLY ENTERED A FALSIFIED FACT. THERE IS NO EVIDENCE TO SUPPORT ANY OF THE COURT'S DESICIONS.

Rule 60 of the Federal rules of civil procedure holds...

“(a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated;

- or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) TIMING AND EFFECT OF THE MOTION.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or

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(3) set aside a judgment for fraud on the court.”

What Is Fraud On the Court?

Fraud on the court, or fraud upon the court, refers to a situation in which a material misrepresentation has been made to the court. Alternatively, the term could be used to refer to a situation in which a material

misrepresentation has been made by the court itself. The overall defining requirement is that the impartiality of the court has been disrupted so significantly that it cannot perform its tasks without bias or prejudice.

SEE BULLOCH V UNITED STATES 763 F 2D 1115,1121 10TH CIR 1985

A "judgement is void" includes judgement entered by a court which lacks jurisdiction over the parties or subject matter, or lacks inherent power to enter the particular judgement, or an order procured by fraud.

It can be attacked at **ANY TIME**, in any court, either directly or collaterally.

SEE JACKSON V GMAC ET AL UNITED STATES SUPREME COURT 2018

**BECAUSE THE COURT KNOWINGLY
FAILED TO ENTER FACTUAL FINDINGS
AND
SPORATICALLY KNOWINGLY FALSIFIED
FACTS, IN EVERY ORDER IN IT'S
ENTIRETY ,AS TO EVERY PLEADING IN
EVERY CASE, THE COURT COMMITTED
FRAUD ON THE COURT. EVERY ORDER,
JUDGMENT ,DECREE ARE VOID AND
MUST BE VACATED.**

The 14th amendment of the United States

Constitution gives everyone a right to due process of law, which includes judgments that comply with the rules and case law. Most due process exceptions deal with the issue of notification. If, for example, someone gets a judgement against you in another state without your having been notified, you can attack the judgement for lack of due process of law. In *Griffen v. Griffen*, 327 U.S. 220, 66 S. Ct. 556, 90 L. Ed. 635 a pro se litigant won his case in the Supreme Court who stated. A void judgment is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." *Ex parte Seidel*, 39 S.W.3d 221, 225 (Tex. Crim. App. 2001), *Ex parte Spaulding*, 687 S.W.2d at 745 (Teague, J., concurring).

The law is well-settled that a void order or judgement is void even before reversal", *VALLEY v. NORTHERN FIRE & MARINE INS. CO.*, 254 U.S. 348, 41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not

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voidable, but simply void, and this even prior to reversal." *WILLIAMSON v. BERRY*, 8 HOW.

945, 540 12 L. Ed. 1170, 1189 (1850). It has also been held that "It is not necessary to take any steps to have a void judgment reversed, vacated, or set aside, It may be impeached in any action direct or, collateral." Holder v. Scott, 396 S.W.2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e.). A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907). Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const., FL. Rules of civil procedure 1.54, Fl Const..

When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.—Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.—Tyler Aug. 30, 1999, no pet. h.).

A Party Affected by VOID Judicial Action Need Not APPEAL. State ex rel. Latty, 907 S.W.2d at

486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J.,concurring). This cannot be ignored its fact recorded! Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 —Klugh v. U.S., 620 F.Süpp. 892 (D.S.C. 1985), Fl rules of civil procedure 1.54

CONCLUSION

For the foregoing reasons, the judge's order and any judge's order accepting those findings are VOID. All issues must be determined by jury in a court of proper jurisdiction.

CERTIFICATE AND UNOTARIZED OATH

I Vinodh Raghubir, swear under penalties of perjury, that the foregoing is true , correct and not mean to mislead. I also certify that a true , correct copy has been forwarded.

US Attorney General 950 Pennsylvania ave

NW Washington DC 20530

Fl Attorney General The Capitol Tallahassee Fl
32399

US District Court Judge 401 W Central blvd
1200 Orlando Florida 32801

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Vinodh Raghbir 385 Red Rose Circle Orlando
Florida 32835 (407)848-8960
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**3. ORDER FROM UNITED STATES COURT
OF APPEALS , RAGHUBIR V BONNIE
JEAN PARRISH ET AL, CASE # 21-11932,
12/21/2022**

[DO NOT PUBLISH]

**In the
United States Court of Appeals
For the Eleventh Circuit**

No. 21-11932

Non-Argument Calendar

VINODH RAGHUBIR,
ALL U.S. CITIZENS WITHIN 11TH CIRCUIT
BOUNDARIES,

Plaintiffs-Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,
WENDY BERGER,

USDC Orlando,

G. KENDALL SHARP,
USDC Orlando, et al.,

Defendants-Appellees.

Appeal from the United States
District Court for the
Middle District of Florida
D.C. Docket No. 6:20-cv-01883-GKS-GJK

Before WILSON, ROSENBAUM, and GRANT,
Circuit Judges.

PER CURIAM:

Vinodh Raghubir appeals pro se the district court's sua sponte dismissal of his 42 U.S.C. § 1983 civil rights complaint, as well as the court's subsequent orders denying his first Federal Rule of Civil Procedure 60(b) motion to vacate that dismissal, and denying his second motion to vacate, which had challenged the denial of his first motion to vacate. After careful review, we affirm.

Raghubir argues that the district judge assigned to Raghubir's case erred in failing to recuse because the district judge was a named defendant in the complaint. Raghubir also argues that the district court erred in determining that absolute immunity protected the other named defendants, who were (1) an employee at the Florida Attorney General's Office; (2) the Orange County, Florida, Clerk of Court; (3) the Florida

Fifth District Court of Appeal; and (4) other federal judges. Raghbir contends that he should have been released from prison and should have received 3

\$65 million in damages. He also argues that all of the federal judges within this Circuit should recuse themselves from his case.

First, we address whether all the federal judges in this Circuit should recuse themselves from this case. Second, we discuss whether the district judge should have recused himself. Third, we discuss whether the district court erred in dismissing Raghbir's complaint and denying his motions for reconsideration.

I.

First, Raghbir argues that all the judges within this Circuit should recuse themselves from his case. Under the "rule of necessity," we have held that a judge need not recuse himself or herself, even if he or she is a named defendant, if all but one of the judges on the court are also named defendants, such that the case cannot be heard by a panel of judges who are not named defendants. *Bolin v. Story*, 225 F.3d 1234, 1238–39 (11th Cir. 2000) (per curiam). In *Bolin*, we noted that the rule of necessity "is generally invoked in cases in which no judge in the country is capable of hearing the case." *Id.* at 1238. But because the plaintiffs in *Bolin* indiscriminately named as parties all but one of the then-current judges on our Court, regardless of whether any particular judge participated in the plaintiffs' prior appeals, we could not convene a panel in

which none of the judges had a personal interest in the case. *Id.* at 1239. Thus, we determined that the rule of necessity allowed at least a panel of judges who had not been involved in the plaintiffs' prior appeals to hear the case. *Id.*

Here, the rule of necessity permits us to rule on Raghubir's case, as he has attempted to name every federal judge within this Circuit as a defendant. We accordingly find that all of the federal judges of this Circuit need not recuse themselves from Raghubir's case simply because he has named them as defendants.

II.

Second, Raghubir argues that the district court judge assigned to Raghubir's case erred in failing to recuse because the district judge was a named defendant. We review for an abuse of discretion a judge's decision whether to recuse himself. *Thomas v. Tenneco Packaging Co.*, 293 F.3d 1306, 1319–20 (11th Cir. 2002) (*per curiam*).

We have held that “a district judge must recuse himself ‘in any proceeding in which his impartiality might reasonably be questioned.’” *Thomas*, 293 F.3d at 1329 (quoting 28 U.S.C. § 455(a)). A district judge's impartiality may reasonably be questioned when “an objective, fully informed lay observer would entertain significant doubt about the judge's impartiality.” *Id.* (quotation marks omitted). A judge must also recuse himself when, among other circumstances,

he “[i]s a party to the proceeding.” 28 U.S.C. § 455(b)(5)(i). Thus, § 455(b) “sets forth specific circumstances requiring recusal, which establish the fact of partiality.” *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003).

We may review violations of 28 U.S.C. § 455(a) and (b), governing disqualification of federal judges, for harmless error. *Parker 5 v. Connors Steel Co.*, 855 F.2d 1510, 1527–28 (11th Cir. 1988). But harmless-error review “is neither categorically available nor categorically unavailable for all § 455(a) violations.” *Murray v. Scott*, 253 F.3d 1308, 1313 n.8 (11th Cir. 2001) (internal quotation marks omitted, alterations adopted).

The district judge should have recused from this matter because he was a named defendant. But this error is harmless because, as discussed below, Raghubir’s complaint failed to state a claim upon which relief could be granted.¹

III.

Last, Raghubir argues that the district court erred in dismissing his complaint by finding that absolute immunity protected the other named defendants.

We liberally construe pro se filings. *Sconiers v. Lockhart*, 946 F.3d 1256, 1262 (11th Cir. 2020). Section 1915A of the Prison Litigation Reform Act (PLRA) provides that the district court shall pre-screen “a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a).

Then, the district court must identify any cognizable claims, or dismiss the complaint—or

any part of it—if it, among other things, fails to state a claim upon which relief may be granted or seeks monetary relief from defendants who are immune from such relief. *Id.* § 1915A(b)(1)–(2). A dismissal for failure to state a claim under the PLRA may be with or without prejudice. See *Lomax v. Ortiz-Marquez*, 140 S. Ct. 1721, 1725 (2020). We review de novo a district court’s dismissal of a complaint for failure to state a claim, “accept[ing] the allegations in the complaint as true and constru[ing] them in the light most favorable to the plaintiff.” *Chua v. Ekonomou*, 1 F.4th 948, 952 (11th Cir. 2021).

A district court may dismiss a complaint for failure to state a claim based on the affirmative defense of judicial immunity “when the defense is an obvious bar given the allegations.” *Sibley v. Lando*, 437 F.3d 1067, 1070 n.2 (11th Cir. 2005). We review de novo the grant of absolute judicial immunity. *Smith v. Shook*, 237 F.3d 1322, 1325 (11th Cir. 2001).

A judge acting within his judicial capacity² is entitled to absolute judicial immunity, and is not subject to civil suits for damages, unless he acted “in the clear absence of all jurisdiction.” *Bolin*, 225 F.3d at 1239 (internal quotation marks omitted). Absolute judicial immunity applies “regardless of whether [the judge] made a

mistake, acted maliciously, or exceeded his authority." *McCullough v. Finley*, 907 F.3d 1324, 1331 (11th Cir. 2018). Court clerks "have absolute immunity from actions for damages arising from acts they are specifically required to do under court order or at a judge's direction." *Tarter v. Hury*, 646 F.2d 1010, 1013 (5th Cir. Unit A 1981).³ Similarly, a "prosecutor enjoys absolute immunity from allegations stemming from the prosecutor's function as advocate." *Hart v. Hodges*, 587 F.3d 1288, 1295 (11th Cir. 2009) (*per curiam*).

In Raghbir's complaint he names the following as defendants: (1) an employee at the Florida Attorney General's Office; (2) the Orange County, Florida, Clerk of Court; (3) the Florida Fifth District Court of Appeal; and (4) three federal judges. Raghbir largely complains about the outcome of his prior cases in the Florida Fifth District Court of Appeal and the United States District Court for the Middle District of Florida, claiming that the associated judges harmed him while acting in their judicial capacities. Thus, because Raghbir complains about actions that were taken when they were acting in their judicial capacity, the defendant judges are entitled to absolute judicial immunity. See *Bolin*, 225 F.3d at 1239.

Because the Orange County Clerk of

Court's actions arise from duties that were given by judge's orders, the Clerk is entitled to absolute immunity. See Tarter, 646 F.2d at 1013. Because the actions taken by Bonnie Jean Parrish from the Florida Attorney General's Office were prosecutorial actions, she enjoys similar prosecutorial absolute immunity. See Hart, 587 F.3d at 1295.

Also, Raghubir's primary claim for release from detention cannot be brought in a Section 1983 claim. See *Boyd v. Warden, Holman Corr. Facility*, 856 F.3d 853, 865 (11th Cir. 2017) (A plaintiff seeking to invalidate "his conviction or sentence or change the nature or duration of his sentence" must bring any such claims in a habeas corpus action, not under § 1983.).

Raghubir also argues that the district court erred in denying his motions to vacate its dismissal, which the district court construed as motions for reconsideration under Federal Rule of Civil Procedure 60(b). A district court may relieve a party from a final judgment, order, or proceeding for reasons including "fraud . . . misrepresentation, or misconduct by an opposing party;" "the judgment is void"; or "any other reason that justifies relief." Fed. R. Civ. P. 60(b)(3), (4), (6). We generally review the district court's denial of a Rule 60(b) motion for abuse of discretion. *Grif-*

fin v. Swim-Tech Corp., 722 F.2d 677, 680 (11th Cir. 1984).

In his motions, Raghubir restates his original claims or raises unsupported allegations. None of

those allegations meet any reason under Rule 60 for the district court to relieve Raghbir from the prior dismissal of his complaint.

9

Thus, Raghbir's complaint failed to state a claim upon which relief could be granted because all of the defendants were protected by absolute immunity, and his primary claim was for release, which is unavailable under § 1983. Further, the district court did not abuse its discretion in denying Raghbir's two motions to vacate under Rule 60(b) because he did not show fraud, misconduct, a judicial mistake, or any compelling justification under Rule 60(b) for the requested action.

AFFIRMED.⁴

⁴ We also deny Raghbir's pending motions to take judicial notice.

USCA11 Case: 21-11932 Document: 38-2
Date Filed: 12/21/2022 Page: 1 of 2

4. ATTACHMENT LETTER TO COURT
ORDER FROM US COURT OF APPEALS,
RAGHBIR V BONNIE JEAN PARRISH ET
AL, CASE # 21-11932, 12/21/2022

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 For
rules and forms visit www.call.uscourts.gov
Clerk of Court

December 21, 2022

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 21-11932-JJ

Case Style: Vinodh
Raghubir, et al v.
Bonnie Parrish, et al
District Court Docket
No: 6:20-cv-01883-
GKS-GJK

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.

USCA11 Case: 21-11932 Document: 38-2
Date Filed: 12/21/2022 Page: 2 of 2

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 Tiffany A. Tucker, JJ at 404-335-6130.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch

Phone #: 404-335-6151

OPIN-1 Ntc of Issuance of Opinion

**5. ATTACHEMENT TO ORDER FROM
UNITED STATES COURT OF APPEALS,
RAGHUBIR V BONNIE JEAN PARRISH ET
AL, CASE # 21-11932, 01/23/2022**

**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 For
rules and forms visit www.ca11.uscourts.gov
Clerk of Court

January 23, 2023

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 21-11932-JJ

Case Style: Vinodh
Raghubir, et al v.
Bonnie Parrish, et al
District Court Docket
No: 6:20-cv-01883-
GKS-GJK

The enclosed order has been entered on petition(s)
for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Clerk's Office Phone Numbers

General Information 404-335-6100

New / Before Briefing Cases 404-335-6135

Cases in Briefing / After Opinion 404-335-6130

Cases Set for Oral Argument 404-335-6141

Capital Cases 404-335-6200

Attorney
Admissions

404-335-
6122 CM/ECF
Help Desk

404-335-
6125

REHG-1 Ltr Order Petition Rehearing

**6. ORDER FROM UNITED STATES COURT
OF APPEALS, RAGHUBIR V BONNIE JEAN
PARRISH ET AL, CASE # 21-11932,
01/23/2022**

USCA11 Case: 21-11932 Document: 41-2
Date Filed: 01/23/2023 Page: 1 of 1

IN THE UNITED STATES
COURT OF APPEALS
FOR THE ELEVENTH
CIRCUIT

No. 21-11932-JJ

VINODH RAGHUBIR,
ALL U.S. CITIZENS WITHIN 11TH CIRCUIT
BOUNDARIES,

Plaintiffs - Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,

WENDY BERGER,
USDC Orlando,
G. KENDALL SHARP,
USDC Orlando, et al.,
Defendants - Appellees.

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

BEFORE: WILSON, ROSENBAUM, and GRANT,
Circuit Judges.

PER CURIAM:

The Petition for Panel Rehearing filed by Vinodh
Raghubir is DENIED.

ORD-41

**7. ORDER FROM UNITED STATES COURT
OF APPEALS, RAGHUBIR V BONNIE JEAN
PARRISH ET AL, CASE # 21-11932,
01/30/2023**

USCA11 Case: 21-11932 Document: 44 Date
Filed: 01/30/2023 Page: 1 of 1

IN THE UNITED STATES COURT OF

APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-11932-JJ

VINODH RAGHUBIR,
ALL U.S. CITIZENS WITHIN 11TH CIRCUIT
BOUNDARIES,

Plaintiffs - Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,
WENDY BERGER,
USDC Orlando,
G. KENDALL SHARP,

USDC Orlando, et al.,

Defendants - Appellees.

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

ORDER:

The motion of Appellant, Vinodh Raghubir, for
stay of the issuance of the mandate pending
petition for writ of certiorari is DENIED.

DAVID J. SMITH

Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION

**8. ATTACHMENT TO ORDER FROM ORDER
FROM UNITED STATES COURT OF
APPEALS, RAGHUBIR V BONNIE JEAN
PARRISH ET AL, CASE # 21-11932,**

01/31/2023

USCA11 Case: 21-11932 Document: 47-1
Date Filed: 01/31/2023 Page: 1 of 1

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

For

Clerk of Court

January 31, 2023

Clerk - Middle District of Florida

U.S. District Court

401 W CENTRAL BLVD

ORLANDO, FL 32801

Appeal Number: 21-11932-JJ

Case Style: Vinodh
Raghubir, et al v.
Bonnie Parrish, et al
District Court Docket

No: 6:20-cv-01883-
GKS-GJK

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.

Clerk's Office Phone Numbers

General Information 404-335-
6100

New / Before Briefing Cases 404-335-
6135

Cases in Briefing / After Opinion 404-335-6130

Cases Set for Oral Argument 404-335-
6141

Capital Cases 404-335-
6200

Attorney
Admissions

404-335-
6122 CM/ECF
Help Desk

404-335-
6125

Enclosure(s)

MDT-1 Letter Issuing Mandate

**9. ORDER FROM ORDER FROM UNITED
STATES COURT OF APPEALS, RAGHUBIR
V BONNIE JEAN PARRISH ET AL, CASE #
21-11932, 01/31/2023**

USCA11 Case: 21-11932 Document: 47-2
Date Filed: 01/31/2023 Page: 1 of 2

**In the
United States Court of Appeals
For the Eleventh Circuit**

No. 21-11932

VINODH RAGHUBIR,

ALL U.S. CITIZENS WITHIN 11TH
CIRCUIT BOUNDARIES,

Plaintiffs-Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,
WENDY BERGER,
USDC Orlando,
G. KENDALL SHARP,
USDC Orlando, et al.,

Defendants-Appellees.

ISSUED AS MANDATE: 01/31/2023

USCA11 Case: 21-11932 Document: 47-2
Date Filed: 01/31/2023 Page: 2 of 2

1-11932

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

D.C. Docket No. 6:20-cv-01883-GKS-GJK

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: December 21, 2022

For the Court: DAVID J. SMITH, Clerk of Court
ISSUED AS MANDATE: 01/31/2023

**10. ORDER FROM ORDER FROM UNITED
STATES COURT OF APPEALS, RAGHUBIR
V BONNIE JEAN PARRISH ET AL, CASE #
21-11932, 03/07/2023**

USCA11 Case: 21-11932 Document: 53 Date
Filed: 03/07/2023 Page: 1 of 2

IN THE UNITED STATES COURT OF
APPEALS

FOR THE ELEVENTH
CIRCUIT

No. 21-11932-JJ

VINODH RAGHUBIR,
ALL U.S. CITIZENS WITHIN 11TH CIRCUIT
BOUNDARIES,

Plaintiffs - Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,
WENDY BERGER,
USDC Orlando,
G. KENDALL SHARP,
USDC Orlando, et al.,

Defendants - Appellees.

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

BEFORE: WILSON, ROSENBAUM, and GRANT,
Circuit Judges.

BY THE COURT:

After the mandate issued in this appeal, Appellant filed numerous motions seeking to recall the mandate and to file a petition for en banc rehearing that exceeds the length limitations in this Court's rules.

Although the Court recognizes that the mandate issued prematurely, *see* Fed. R. App. P.

41(b), Appellant was not prejudiced by this error because the Court would not have granted

Appellant leave to file a petition for en banc rehearing that exceeded the length limitations in this

USCA11 Case: 21-11932 Document: 53 Date
Filed: 03/07/2023 Page: 2 of 2

Court's rules.

All pending motions are DENIED.

**11. ORDER FROM ORDER FROM UNITED
STATES COURT OF APPEALS, RAGHUBIR
V BONNIE JEAN PARRISH ET AL, CASE #
21-11932, 03/29/2023**

USCA11 Case: 21-11932 Document: 55 Date
Filed: 03/29/2023 Page: 1 of 1

IN THE UNITED STATES COURT OF
APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-11932-JJ

VINODH RAGHUBIR,
ALL U.S. CITIZENS WITHIN 11TH CIRCUIT
BOUNDARIES,

Plaintiffs - Appellants,

versus

BONNIE JEAN PARRISH,
Florida Attorney General's Office,
ORANGE COUNTY CLERK,
5TH DCA,
WENDY BERGER,
USDC Orlando,
G. KENDALL SHARP,

USDC Orlando, et al.,

Defendants - Appellees.

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

BEFORE: WILSON, ROSENBAUM, and GRANT,
Circuit Judges.

BY THE COURT:

Appellant's motion to recall the mandate and for other relief, docketed on March 10, 2023, is construed as a motion for reconsideration of this Court's March 7, 2023 order and is DENIED.

The Clerk's Office is DIRECTED not to accept for docketing any submission from

Appellant in this closed appeal, including any motion for reconsideration of this order. The Clerk's Office will not return Appellant's unaccepted submissions to him or provide notice

that his submissions have not been accepted.

**12. CORRESPONDENCE FROM UNITED
STATES COURT OF APPEALS , RAGHUBIR
V BONNIE JEAN PARRISH ET AL, CASE #
21-11932, 01/30/2023**

USCA11 Case: 21-11932 Document: 45 Date
Filed: 01/30/2023 Page: 1 of 1

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

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

David J. Smith Clerk of Court For
rules and forms visit www.call.uscourts.gov

January 30, 2023

Vinodh Raghubir
385 RED ROSE CIR
ORLANDO, FL 32835

Appeal Number: 21-11932-JJ
Case Style: Vinodh
Raghubir, et al v.

Bonnie Parrish, et al
District Court Docket
No: 6:20-cv-01883-
GKS-GJK

NO ACTION / DEFICIENCY NOTICE

No action will be taken on Appellant's petition for rehearing en banc. The referenced filing from Appellant Vinodh Raghbir was not timely filed. Additionally, Appellant's petition for panel rehearing was denied on January 23, 2023.

No deadlines will be extended as a result of your deficient filing.

ACTION REQUIRED

For motions for reconsideration or petitions for rehearing that are not permitted, no action is required or permitted. Your filing will not be considered.

Clerk's Office Phone Numbers

General Information	404-335-6100
New / Before Briefing Cases	404-335-6135
Cases in Briefing / After Opinion	404-335-6130
Cases Set for Oral Argument	404-335-6141
Capital Cases	404-335-6200
Attorney	

Admissions

404-335-
6122 CM/ECF
Help Desk

404-
335-6125

Notice No Action Taken

**13. ATTACHMENT TO ORDER FROM
ORDER FROM UNITED STATES COURT OF
APPEALS, RAGHUBIR V U.S.A. ET AL,
CASE # 21-12723, 03/31/2023**

USCA11 Case: 22-12723 Document: 11-1
Date Filed: 03/31/2023 Page: 1 of 1

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**
**ELBERT PARR TUTTLE COURT OF APPEALS
BUILDING**
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith Clerk of Court For
rules and forms visit www.call.uscourts.gov

March 31, 2023

Vinodh Raghubir
385 RED ROSE CIR
ORLANDO, FL 32835

Appeal Number: 22-12723-J
Case Style: Vinodh Raghubir v. USA, et al
District Court Docket No: 6:21-cv-01564-PGB-
LHP

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.

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless you pay to the DISTRICT COURT clerk the docketing and filing fees, with notice to this office.

Clerk's Office Phone Numbers

General Information: 404-335-6100
Attorney Admissions: 404-335-6122 New / Before
Briefing Cases: 404-335-6135 Capital Cases:
404-335-6200
Cases in Briefing / After Opinion: 404-335-6130

CM/ECF Help Desk: 404-335-6125 Cases
Set for Oral Argument: 404-335-6141

MOT-2 Notice of Court Action

**14. ORDER FROM ORDER FROM UNITED
STATES COURT OF APPEALS, RAGHUBIR
V U.S.A. ET AL, CASE # 21-12723, 03/31/2023**

IN THE UNITED STATES COURT OF
APPEALS

FOR THE ELEVENTH CIRCUIT

No. 22-12723-J

VINODH RAGHUBIR,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,
STATE OF FLORIDA,
U.S. ATTORNEY GENERAL,

FLORIDA ATTORNEY GENERAL,
FLORIDA STATE ATTORNEY, et al.,

Defendants - Appellees.

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

ORDER:

Vinodh Raghbir, a former Florida prisoner,
moves for leave to proceed *in forma pauperis*

("IFP") on appeal from the district court's order striking his *pro se* Fed. R. Civ. P. 60 "motion to vacate all orders, judgments, decrees in all cases, and notice of void not voidable orders in all cases." As background, this Court previously denied him IFP status because he could not raise a non-frivolous issue on appeal from the district court's

dismissal of his complaint, which alleged illegality, fraud, and conspiracy against the United States, the State of Florida, several district court judges, this Court, all district courts within the Eleventh Circuit, and several other entities. He then filed the instant motion to vacate, reasserting the claims from his complaint, and contending that various decisions rendered against him in several state and federal court proceedings were void due to the alleged fraud and conspiracy perpetrated by the defendants.

Because Raghubir's financial affidavit reflects that he is indigent, the only remaining issue is whether the appeal is frivolous. *See* 28 U.S.C. § 1915. An action is frivolous if it is without arguable merit either in law or fact. *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002), *overruled on other grounds by Hoeber v. Marks*, 993 F.3d 1353 (11th Cir. 2021) (en banc).

Federal Rule of Civil Procedure 60(b) allows a party to seek relief based upon, *inter alia*: (1) fraud, misrepresentation, or misconduct by an opposing party; or (2) where the judgment is void. Fed. R. Civ. P. 60(b)(3)-(4). To obtain relief under Rule 60(b)(3), a movant "must prove by clear and convincing evidence that an adverse party has obtained the verdict [or judgment] through fraud, misrepresentation, or other misconduct." *Cox Nuclear Pharmacy, Inc. v. CTI, Inc.*, 478 F.3d 1302, 1314 (11th Cir. 2007) (quotation marks and brackets omitted).

Here, Raghubir could not raise a non-frivolous issue on appeal. *See Napier*, 314 F.3d at 531. In light of the fact that he could not raise a non-frivolous issue related to the dismissal of his

complaint, he likewise cannot raise a non-frivolous issue as to the decision striking his motion to vacate, because that motion relied on the same allegations as his complaint.

Specifically, he could not raise an issue of arguable merit about whether the court abused its discretion in striking his Rule 60(b) motion. *See id.* His conclusory allegations related to the fraud and conspiracy allegedly perpetrated by the defendants did not satisfy the “clear and convincing” standard required to obtain relief under Rule 60(b)(3), and, as such, there is no indication that any of the challenged “orders, judgment, [and] decrees” entered in the state and district court proceedings are void, or that the court lacked jurisdiction to rule on the motion, based on the purported fraud or conspiracy. *See Cox Nuclear Pharmacy, Inc.*, 478 F.3d at 1314.

Accordingly, Raghubir’s motion for IFP status is DENIED.

**15. ATTACHMENT TO ORDER FROM
ORDER FROM UNITED STATES
COURT OF APPEALS , RAGHUBIR V
U.S.A. ET AL, CASE # 21-14332,
05/20/2022**

USCA11 Case: 21-14332 Document: 29-1
Date Filed: 05/20/2022 Page: 1 of 1

**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
May 20, 2022
www.ca11.uscourts.gov

Vinodh Raghubir
385 RED ROSE CIR
ORLANDO, FL 32835

Appeal Number: 21-14332-F
Case Style: Vinodh Raghubir v. USA, et al
District Court Docket No: 6:21-cv-01564-PGB-
GJK

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.

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be

dismissed by the clerk without further notice
unless you pay to the DISTRICT COURT clerk
the docketing and filing fees, with notice to this
office.

Sincerely,

DAVID J. SMITH, Clerk of Court

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

16. ORDER FROM ORDER FROM
UNITED STATES COURT OF APPEALS
, RAGHUBIR V U.S.A. ET AL, CASE # 21-
14332, 05/20/2022

IN THE UNITED STATES COURT OF
APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-14332-F

VINODH RAGHUBIR,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

STATE OF FLORIDA,
U.S. ATTORNEY GENERAL,
ATTORNEY GENERAL, STATE OF FLORIDA,
FLORIDA STATE ATTORNEY, et al.,

Defendants-Appellees.

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

ORDER:

Vinodh Raghubir appeals the district court's (1) order denying his motion for leave to proceed *in forma pauperis* ("IFP"), denying "Motion to Recuse all Judiciary within 11th Circuit Boundaries and/or Change Venue" ("Motion to Disqualify"), and dismissing the case with prejudice; (2) endorsed order striking his objections to the dismissal order; and (3) order denying construed motion for reconsideration.

As background, Mr. Raghubir, a frequent litigant,

filed a complaint against the United States, the State of Florida, several counties, cities, and several court systems in Florida, several district court judges, this Court, all district courts within the Eleventh Circuit, and several other entities, in which Mr. Raghubir appeared to allege illegality, fraud, and conspiracy relating to various decisions that were entered in different state and district court proceedings. The district court entered an order (1) denying the motion to proceed IFP, (2) denying the Motion to Disqualify based on the rule of necessity, and (3) dismissing the case with prejudice. The court observed that Mr. Raghubir had filed over 40 "meritless and duplicitous" cases in the Middle District of Florida.

The court noted that:

[Mr. Raghubir] indiscriminately filed his Complaint against various government agencies and courts, broadly including all the courts, municipalities, and entities involved in the criminal justice system within the Eleventh Circuit; [that] the 'mostly nonsensical' and 'fanciful' allegations seem[ed] to challenge 'the many orders entered against [him] by many courts'; and [that] this [c]ourt ha[d] barred [Mr. Raghubir] from future frivolous filings.

The court found that the complaint violated Rule 8 and determined that the "delusional,' 'wholly incredible' assertion that a plethora of government entities [were] conspiring against him on account

of his race [was] ‘clearly baseless.’” The court determined that leave to amend would be futile, given the patent frivolity of Mr. Raghubir’s claims. Mr. Raghubir objected to the district court’s order, which the district court struck. Mr. Raghubir appealed and filed amended objections in the district court, which this Court construed as a motion for reconsideration. The district court denied the motion for reconsideration. Mr. Raghubir now seeks leave to proceed IFP on appeal in this Court and for a judge of this Court to “instruct[] to the clerk of the [] district court . . . [to] produce a record for this appeal.” Accordingly, his appeal is subject to a frivolity determination. See 28 U.S.C. § 1915(e)(2)(B)(i). An action is frivolous if it is without arguable merit in either law or fact. *Napier v. Preslicka*,

314 F.3d 528, 531 (11th Cir. 2002), *overruled on other grounds by Hoever v. Marks*, 993 F.3d 1352 (11th Cir. 2021) (*en banc*).

Mr. Raghubir’s appeal is frivolous. First, the district court did not err in denying the

Motion to Disqualify based on the rule of necessity because Mr. Raghubir indiscriminately named

as defendants all judges within the Eleventh Circuit’s boundaries. See *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000). Second, Mr. Raghubir could not raise an issue of arguable merit that the district court abused its discretion in denying his motion for IFP status and dismissing his

complaint. See *Napier*, 314 F.3d at 531. Section 1915(e)(2) authorizes the district court to dismiss the complaint on frivolity grounds, and Mr. Raghubir's allegations appear to describe "fantastic or delusional scenarios." See 28 U.S.C. §§ 1915(e)(2)(B)(i), 1915A(b)(1); *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Specifically, the district court found that Mr. Raghubir's allegations that a "plethora of government entities [were] conspiring against him on account of his race [was] 'clearly baseless.'" Although Mr. Raghubir's complaint is liberally construed due to his status as a *pro se* litigant, these allegations are implausible. See *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008). The district court, therefore, did not abuse its discretion in dismissing Mr. Raghubir's complaint as frivolous. Finally, the district court also did not err in dismissing the case with prejudice without giving Mr. Raghubir a chance to amend his complaint because, for the reasons discussed above, a more carefully drafted complaint would still fail to state any viable claims for relief. See *Silberman v. Miami Dade Transit*, 927 F.3d 1123, 1132-33 (11th Cir. 2019). Mr. Raghubir also cannot raise an issue of arguable merit that the district court erred in denying his motion for reconsideration. Accordingly, Mr. Raghubir's motion for leave to proceed on appeal IFP is DENIED because the appeal is frivolous. See *Napier*, 314 F.3d at 531. All pending motions are DENIED AS MOOT.

/s/ Jill Pryor

UNITED STATES CIRCUIT JUDGE

CERTIFICATE

I Vinodh Raghur, swear under penalties of perjury, that the foregoing is true , correct and not meant to mislead. I also certify that a true , correct copy has been forwarded .

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ALL ENTITIES INVOLVED IN THE CRIMINAL
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BOUNDARIES

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ALL MUNICIPALITIES

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