23 - 7004

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Noel Vincent Thomas — PETITIONER
(Your Name)

vs.

Florida DHSMV — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Florida Second District Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Noel Vincent Thomas
(Your Name)

14004 Nephi Place, Apt. 103
(Address)

Tampa, Florida 33613
(City, State, Zip Code)

(813) 817-7667
(Phone Number)

QUESTIONS PRESENTED

1) Whether the Trial Court erred as a matter of law by dismissing Petitioner's claim based upon the Lower Court's assertion that Petitioner failed to state a claim, failed to establish sufficient pleadings and failed to produce sufficient evidence to prove his allegations against the Respondents?
2) Whether the Trial Court abused its discretion in its refusal to review or examine the four corners limits of the complaint and all the accompanying exhibits, nor order the discovery process or award damages to the legal prevailing party?

PARTIES TO THE PROCEEDINGS AND RELATED CASES

Petitioner, Noel Vincent Thomas, was the plaintiff in Florida small claims court and appellant in the court of appeals proceedings.

Respondent, Florida Department of Highway Safety and Motor Vehicles was the defendant in the Florida small claims court and appellees in the court of appeals proceeding.

Below are all the past and present proceedings of other courts that are directly related to the case in this court:

Noel Vincent Thomas vs. Florida DHSMV, et al, No. 8:18-cv-2497-T-36CPT, U.S. District Court for the Middle District of Florida, Judgment entered on January 13, 2020.

Noel Vincent Thomas vs. Florida DHSMV, et al, No. 20-10300-B, U.S. Court of Appeals for the Eleventh Circuit, Judgment entered on June 5, 2020.

Noel Vincent Thomas vs. Alabama Law Enforcement agency (DLD), No. 21-CC-000466, Hillsborough County Small Claims Court, State of Florida, Judgment entered on April 20, 2021.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency (DLD), No. 2D21-1178, Florida Second District Court of Appeals, judgment entered on December 21, 2021.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency (DLD), No. 22-CC-110379, Hillsborough County Small Claims Court, State of Florida, Judgment entered on May 18, 2023.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency (DLD), et al, No. 2D23-2794, Florida Second District Court of Appeals, action still pending.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency, et al, No. SM-2022-903819, The District Court of Montgomery County, Alabama, Judgment entered on December 7, 2022.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency, et al, No. CV-2022-000347, The Circuit Court of Montgomery County, Alabama, judgment entered on February 27, 2023.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency, et al, No. CL-2023-0360, The Alabama Court of Civil Appeals, Judgment entered on June 29, 2023.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency, et al, No. SC-2023-0457, The Alabama Supreme Court, Judgment entered on November 9, 2023.

TABLE OF CONTENTS

TABLE OF APPENDICES

TABLE OF CITATIONS AND OTHER AUTHORITIES

STATUTES AND OTHER AUTHORITIES

PETITION FOR WRIT OF CERTIORARI

Petitioner, Noel Vincent Thomas, respectfully request the issuance of a writ of certiorari to review the judgment of the Florida Second District Court of Appeals.

OPINION BELOW

An unpublished order by the Florida Second District Court Appeals denying Petitioner's motion for rehearing and issuance of a written opinion reprinted at, *Pet. (App. A 1a)*. The affirmative opinion of the Florida Second District Court of Appeals is unpublished and reprinted at, *Pet. (App. B, 2a)*. An unpublished and unofficial order by the Hillsborough County, Florida Small Claims Court denying Petitioner's motion for rehearing reproduced at, *Pet. (App. C. 3a)*. An unpublished order by Hillsborough County, Florida Small Claims Court granting final judgment to the Respondent reprinted at, *Pet. (App. D, 4a-9a)*.

JURISDICTION

Noel Vincent Thomas, the Petitioner, motion for rehearing and request for a written opinion was denied on January 3, 2024, by the Florida Second District Court of Appeals, *See Pet. (App. A, 1a)*. An unpublished opinion was issued on

December 6, 2023, by the Florida Second District Court of Appeals affirming the Lower Court's decision and is reprinted at, *Pet. (App. B, 2a)*. The Petitioner invokes this Court's jurisdiction under ***28 U.S.C. § 1257***, having timely filed this petition for writ of certiorari within the (90) ninety days of the Florida Second District Court of Appeal's judgment.

STATEMENT OF CASE AND FACTS

In the year of 1998, Alabama and Florida Department of Motor Vehicles (DMV), officials conspired to place an illegal hold on Petitioner's-Appellant's driver license for over twenty years without legal predication, ***See Exhibits-A,H,R, Statement of Claim (Stmt. Clm.)***, and after consistent attempts by way of telephone to force them to provide exonerating documents to justify their action or correct the problem, but they failed and refused to comply. And this prolonged and tortuous experience caused severe loses and damages, Which violated Petitioner's-Appellant's ***U.S. Constitutional 8th Amendment Right***, which states, nor cruel and unusual punishments be inflicted; and ***Florida Constitution Art. 1 § 17***, which asserts, the prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with the U.S. Supreme Court, yet the actions of the Respondents-Appellees was clear evidence of abuse and misuse of authority for retaliatory purposes without legal or moral justification. So, after years of unsuccessful endeavors of contacting the Respondents-Appellees, by way of telephone, Petitioner-Appellant, began sending certified complaints to multiple Alabama and Florida state officials in an attempt to apply more pressure directly on them and some responded and others refused, ***See Exhibits-D,F,G, (Stmt. Clm.)*** yet they all decided to conspire to cover up the

initial violations by ignoring the facts and started fabricating false government documents. Petitioner-Appellant, was involved in an accident in Gulf Breeze, Florida in the year 1987 and the victims apparently was not satisfied with the insurance settlement so they hired a lawyer who eventually visited Petitioner-Appellant, to try and negotiate some terms of agreement, but to no avail, his efforts were futile, and that attorney then made some vile threats to Petitioner-Appellant, that he would Somehow pay for his refusal to cooperate. Now the Respondent-Appellee have consistently insinuated that the victim's lawyer and the default judgment were figments of Petitioner's-Appellant's imagination but in their motion to dismiss filed in the HCSCC, on March 29, 2021, they were repeatedly referencing the terms, private Florida attorney, unnamed Florida attorney and unnamed private personal injury attorney ***See 3/29/2021 Motion to dismiss (Mot. Dism.) Pages-2,4,6,*** which confirms that the Respondent-Appellee know the identity of that individual and is currently engaged in some type of illegal activities with said attorney because Petitioner-Appellant never mentioned any personal characteristics of the victim's lawyer, so this is proof positive that a conspiratorial scheme was being implemented. And further doing that period Petitioner-Appellant, was incarcerated and was released in July of 1994, whereupon he renewed his driver license at Mobile, Alabama Department of Motor Vehicles (DMV), without any complication. Then in the year of 1998, Petitioner-Appellant, was allowed to pay the renewal fees for his driver license and at that time no violations appeared in the Alabama DMV electronic records, that indicated any future problems but after illegally confiscating Petitioner's-Appellant's, funds they sent him a letter informing him that a hold had been placed on his driver license without any supporting documentation or explanation of why this was occurring or

without any due process procedures being allowed pursuant to the ***Fifth and Fourteenth Amendment Rights of the U.S. Constitution***, which declares, nor be deprived of life, liberty, or property without due process of law, and no state shall make or enforce any law which shall abridge the privileges, or immunities of a citizen of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law, respectively. Once Petitioner-Appellant, contacted Alabama DMV concerning the subject matter, they told him that Florida Highway Safety and Motor Vehicles (DHSMV) put the hold on his driver license and that he would have to get in touch with those officials to resolve the issue. Petitioner-Appellant began communications with Florida DHSMV, and they said that Alabama DMV initiated the hold on the driver license, while Alabama claimed the reverse and this process went on for several days until finally Alabama DMV stated that the reason for the hold was because of a default judgement stemming from the Florida accident that occurred in the year 1987, yet neither of those agencies provided proof to support that claim ***See Exhibit-A (Stmt. Clm.).*** After the Petitioner-Appellant, became frustrated by the lack of transparency, he started researching the statutes of limitation on default judgements in both states and discovered ***Florida Statutes (F.S.) 95.11(1)*** and ***Code of Alabama 6-2-32,*** which showed the limitation to be twenty years and since there was no lawyers or organizations willing to assist Petitioner-Appellant, in the matter, he was forced to pursue this course of action on his own. Throughout the twenty-year period Petitioner-Appellant, contacted the errant officials and persistently requested for a solution to the problem but received none, so after the alleged default judgement expired, he began sending certified letters to different

types of government officials, agencies, departments and divisions, seeking their help in alleviating the ongoing violations ***See Exhibits-J,K,L,M,N,O (Stmt. Clm.).*** The fact of the matter is, Petitioner's-Appellant's, Alabama driver license was never legally cancelled, revoked or suspended and neither Alabama nor Florida DMV can produce legal documents proving otherwise. The Respondent-Appellee provided a document to Petitioner-Appellant dated February 1, 2012, which displayed a driver's license being suspended on September 5, 1989, and a default judgment pending ***See Exhibit-A (Stmt. Clm.),*** which proves the Respondent-Appellee and the victim's attorney conspired to use an illegal document "(default judgment)" to commit intra and interstate crimes by falsifying and fabricating government documents to deny Petitioner's-Appellant's driver privileges for over twenty years. In relationship with the above-mentioned document the Respondent-Appellee provided several other exhibits that displayed significant information, namely, the falsified driver license expiration date of July 16, 1998, and it is important to note that Petitioner-Appellant never had driver license in Florida until May 10, 2019, ***See Exhibits-A,B,C (Stmt. Clm.),*** so that information is falsely manufactured and proves that both Alabama and Florida DMV coordinated and conspired to deny driver's privileges to Petitioner-Appellant due to the fact, that July 16, 1998, is the exact date that the illegal hold was placed on Petitioner's-Appellant's driver license. And further demonstrated in the afore-mentioned documents is more faulty information relating to dates and actions, specifically, November 6, 2009, where a Florida driver license was cancelled and April 29, 2009, another Florida driver related item was suspended, then on September 5, 1989, another Florida driver related item was suspended and a default judgment filed ***See Exhibits-A,B (Stmt. Clm.),*** and both of those exhibits were issued on the

respective dates of February 1, 2012 and July 16, 2013, yet May 10, 2019, was the first time that Petitioner-Appellant was ever issued driver license in the state of Florida. Then on June 26, 2018, Petitioner-Appellant received an email from Alabama Law Enforcement Agency (ALEA), Driver License Division (DLD), Chief Deena L Pregno asserting false allegations and insinuating that Petitioner-Appellant had a Florida identification card and an Alabama driver license at the same time in the year of 1998, without providing documents to support those accusations ***See Exhibit-H (Stmt. Clm.)***. In the June 26, 2018, email ALEA, DLD, Chief, stated that she spoke to someone at Florida Department of Highway Safety and Motor Vehicles (DHSMV), to try and track down why Florida DHSMV had reported Petitioner's-Appellant's driver privileges as being suspended, and here at this point this must be stated that the very action by ALEA, DLD, Chief, is criminal because this is the same agency that placed the hold on Petitioner's-Appellant's driver license on July 16, 1998, and then reinstated them on June 26, 2018, yet was requesting information from another state DMV agency concerning the suspension status of Petitioner's-Appellant's Alabama driver license, in which ALEA, DLD, is partially responsible for the denial of such ***See Exhibit-H (Stmt. Clm.)***. It was a total impossibility for Florida DHSMV, to have provided Alabama DMV, with information relating to Petitioner's-Appellant's driver license since he never had driver license in Florida until May 10, 2019, and secondly he did not live in Florida until the early part of the year 2000, so Petitioner-Appellant had no residence in the state during that period of time in question, which means he could not possess a driver license or an identification card from Florida in the year of 1998. After sending certified complaints to multiple government entities Petitioner-Appellant received a letter from Florida DHSMV, Inspector General

Office (I.G.) dated July 27, 2018, acknowledging the reception of Petitioner's-Appellant's complaint with its supporting documents and it further stated that after investigating the Alabama DMV, action of placing the illegal hold on Petitioner's-Appellant's driver license, it determined that the problem did not originate with Alabama DMV, but rather emanated from Florida DHSMV, Division of Motorist Services (MS) ***See Exhibit-P (Stmt. Clm.)***. Unfortunately, Florida DHSMV, I.G. response was to refer the matter back to the perpetrator of the violations who had refused to properly respond, comply or correct the problem and this was after Petitioner-Appellant had clearly identified those officials and agencies who were involved in the misconduct. Petitioner-Appellant received a letter dated August 31, 2018, from Florida DHSMV, (MS), claiming to have rectified some fictitious error that they asserted occurred when their system showed Petitioner's-Appellant's, I.D. card as being cancelled, when it had only expired, and this was the year of 2018 when this letter was mailed to Petitioner-Appellant, ***See Exhibit-R (Stmt. Clm.)***. And attached to the August 31, 2018, letter of Florida DHSMV, (MS), was a three-year driver's record history printout, that covered the time period of January 30, 2014, to August 31, 2018, and nowhere on that document does it shows any driver's items being cancelled, revoked, suspended or expired ***See Exhibit-S (Stmt. Clm.)***. Florida DHSMV, failed to produce an accurate and complete driver's history, which would show and prove Petitioner-Appellant never had any legal issues with his driver license or I.D. card but displayed on the above-stated government printout was a false and fabricated original license issue date of August 6, 1987, yet Florida DHSMV, only provided Petitioner-Appellant with a three-year driver's history, while asserting they have information on Petitioner-Appellant dating back 30 years to the time of August 6, 1987, but in reality is the

time period that Petitioner-Appellant had a car accident in Gulf Breeze, Florida ***See Exhibit-S (Stmt. Clm.)***, and also ***See Exhibits-E,F,I, 4/21/2021 Response to Defendant's motion to dismiss (Resp. Def. Mot. Dism.)*** After all state remedies were exhausted Petitioner-Appellant filed a civil action in the federal court on October 9, 2018, and on January 13, 2020, the case was dismissed and on January 21, 2020, it was appealed and on June 5, 2020, the Court of Appeals dismissed Petitioner's-Appellant's complaint for want of prosecution due to the failure to pay the filing fees. Petitioner-Appellant decided to acquire more detail information pertaining to his driver's history, so he requested a lifetime driver's history from Alabama DMV, dated December 23, 2020. ***See Exhibit- E, (4/21/2021 Resp. Def. Mot. Dism).*** and ordered a driver's record transcript from Florida DHSMV, date January 11, 2021, ***See Exhibit I, (4/21/2021 Resp. Def. Mot. Dism.),*** and on March 29, 2021, the Respondent-Appellee filed a request for judicial notice in the HCSCC, with a fabricated government driver's history document attached ***See Exhibit-D, Amended statement of claim (Amd. Stmt. Clm.)*** All the above-mentioned driver's history documents are supposed to be historical records and contain accurate and complete information, but they all fail to show and prove that Petitioner's-Appellant's driver license or I.D. card was ever suspended, revoked, cancelled or expired. If this Court will examine Florida DHSMV, transcript of driver's record ***See Exhibit-I, (4/21/2021 Resp. Def. Mot. Dism.)*** and the driver's record that was attached to the Respondent's-Appellee's request for judicial notice ***See Exhibit-F, 4/21/2021 Resp. Def. Mot. Dism.),*** and the driver's history record dated March 29, 2021, ***See Exhibit-D (Amd. Stmt. Clm.)***, this Court will discover false and fabricated information under the heading of "Alabama original license issued", which has the date of August 6, 1987. Petitioner-Appellant filed his

Alabama driver's license abstract or history document in the Trial Court's records ***See Exhibit-E (4/21/2021, Resp. Def. Mot. Dism.)*** and according to that document the earliest issuance date of Petitioner's-Appellant's Alabama driver license on file is August 4, 1994, ***(See Exhibit-E (4/21/2021, Resp. Def. Mot. Dism.)*** so, where did Florida DHSMV, get that false information since Alabama records only dates back to the year of 1994? After obtaining the necessary documentation to prove that the Respondent-Appellee violated states and federal laws, Petitioner-Appellant filed a lawsuit in the HCSCC, on February 25, 2021, where he filed an eight-page statement of claim along with 41 pages of exhibits that supported all his allegations or causes of action and since the documents were filed with the Trial Court, the Appeals Court had access to that information, but suffice to say, the Respondent-Appellee failed to comply with ***Florida Rule of Civil Procedure 1.140(a),*** which required an answer to the summons and complaint within 20 days after services of the original process, but instead of properly responding to the complaint the Respondent-Appellee filed a motion to dismiss and a request for judicial notice on March 29, 2021, and on April 21, 2021, Petitioner-Appellant responded to that motion to dismiss. Due to the gravity of the evidence in this case and the magnitude of the criminal implications involved in the outcome of these proceedings the Respondent-Appellee had to change legal counsel three times, and is now represented by the Florida Attorney General who not only have possession of all the false and fabricated government documents filed into the Trial Court by Petitioner-Appellant, but also has access to all of Florida DHSMV, records and files relating to this action but refuse to investigate the criminal conduct of the Respondent-Appellee or to prosecute them for those violations. Then on October 26, 2021, HCSCC, held the final hearing, wherein Petitioner-Appellant was denied

due process of law and access to the court by the HCSCC, refusal to allow Petitioner-Appellant the opportunity to present evidence and utilize laws in his own defense. Even though Petitioner-Appellant was not allowed to effectively represent himself, the evidence was so overwhelming that the HCSCC, rendered an order on February 1, 2022, granting in part the Respondent's-Appellee's motion to dismiss, which denied three of the defense elements of their argument, which are as follows: (1) sovereign immunity; (2) improper venue; and (3) statute of limitations, and all of these are complex litigation issues that could not be resolved in the HCSCC, but the Respondents-Appellees was granted the fourth element, which was the HCSCC, alleged Petitioner-Appellant failed to state a claim and ordered him to amend his complaint and on February 10, 2022, he fully complied, ***See Pet. (App. E, 9a-15a).*** And on February 23, 2022, the HCSCC, granted the Respondent-Appellee's motion for an extension of time to respond to Petitioner's-Appellant's amended statement of claim, in which they never did but instead filed a second motion to dismiss on March 9, 2022, and Petitioner-Appellant responded to that motion on March 14, 2022, which received no reply from the HCSCC or the Respondent-Appellee. Then the HCSCC, and the Respondent-Appellee conspired to force Petitioner-Appellant into an illegal hearing without complying with the proper procedures, pursuant to ***Florida Rule of Civil Procedure 1.440(c)***, which requires the court to enter an order fixing a date for trial, but no such order was ever issued, ***See Exhibit-A Mot. Snct. Opp. Pty.).*** On April 20, 2022, Petitioner-Appellant filed a motion to expedite and based upon the written and stamped information on that document by the clerk of the HCSCC, which showed a stamped reception date of April 20, 2022, then imprinted on that same document was a reception date of May 3, 2022, and these are two different dates of receiving

the same document ***See Exhibit-C (Motion for sanction on opposing party (Mot. Snct. Opp. Pty.)*** which probably means the motion to expedite was in the custody of two different clerks for apparently two distinct purposes. And further the words, "set hearing" was stamped on the motion to expedite, with a handwritten date of April 27, 2022, and a signature and it further exhibited a handwritten note setting May 24, 2022, as a second hearing date without ever holding the April 27, 2022, hearing, so that information was not legally binding and no official orders had been issued from the court establishing either of the above-mentioned hearing dates as directives ***See Exhibit-A (Mot. Snct. Opp. Pty.)***. Because of the corruption perpetrated by the Appellees-Defendants and the HCSCC, Petitioner-Appellant was forced to file a motion for sanctions on opposing counsel due to the conspiratorial scheme between all parties involved to compel Petitioner-Appellant into an illegal hearing without the HCSCC, issuing orders for the commencement of such an activity, which Petitioner-Appellant refused to participate in that course of action. Then on May 24, 2022, the HCSCC, held the illegal final hearing and filed a court ticket attempting to justify its future action, of claiming Petitioner-Appellant failed to appear at a hearing that was never ordered by the HCSCC, and in fact the Court endeavored to personally call Petitioner-Appellant several times during the hearing and logged those efforts into the court records, which is not normal court practices, ***See Pet. (App. F, 16a)***, and this kind of conduct violated Florida state laws, namely, ***Florida Constitution (F.C.) Art. 1 § 9***, which asserts, no person shall be deprived of life, liberty, or property without due process of law; and ***F.C. Art. 1 § 21***, which states, the court shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay. The HCSCC, knew that the May 24, 2022, final hearing was illegal, so they began

sending Petitioner-Appellant a chain of emails on June 8, 2022, attempting to reschedule the hearing and ignoring the charge of failure to appear, and further on June 8, 2022, the HCSCC, filed an order denying the Respondent's-Appellee's second motion to dismiss submitted on March 9, 2022, and according to that order, it appears that the specific purpose of the May 24, 2022, final hearing was to review the Respondent's-Appellee's motion to dismiss, which is totally problematic, ***See Pet. (App. G, 17a-19a).*** In that June 8, 2022, order the HCSCC, asserted that after reviewing the Petitioner's-Appellant's amended statement of claim and the response to the Respondent's-Appellee's motion to dismiss the Court arrived at its conclusion and further stated that the only reason that the Court previously dismissed Petitioner's-Appellant's statement of claim was based on pleading sufficiency, with leave to amend. The HCSCC, further asserted in the June 8, 2022, order that the Respondent's-Appellee's motion to dismiss alleged two grounds as a basis for dismissal and they are as follows: (1) failure to provide statutory notice; and (2) failure to state a cause of action, Petitioner-Appellant must at this point acknowledge that the HCSCC, failed to give any opinion on the statutory notice argument but it's obvious Petitioner-Appellant met that requirement due to the overwhelming evidence presented. The HCSCC, continued to assert in the June 8, 2022, order that Petitioner's-Appellant's amended statement of claim is still not a beacon of clarity, the Court finds it to be sufficient enough to meet the pleading requirement in small claim matters, ***See Pet.(App. G. 17a-19a)***, so, here the Petitioner-Appellant have met the only remaining requirement specified by the HCSCC, which meant Petitioner-Appellant was the prevailing party and should have been immediately awarded compensation for damages but instead of comply with the law the HCSCC, set a date for another final hearing.

Then on July 26, 2022, the HCSCC, filed a notice of a final hearing and on July 29, 2022, the Respondent-Appellee filed an affidavit and on August 2, 2022, the HCSCC, held a third in person alleged evidentiary hearing, in which Petitioner-Appellant was denied due process of law by the HCSCC, scheduling that hearing for only thirty (30) minutes after giving the Respondent-Appellee two years to concoct a legal defense to justify the dismissal of the case and further by not allowing Petitioner-Appellant to defend himself due to the HCSCC, Judge constant interruptions into his presentation. The HCSCC, attempted to assist the Respondent-Appellee throughout the two-year legal process but failed to accomplish that objective due to the overwhelming evidence presented by Petitioner-Appellant and was forced to deny the Respondent's-Appellee's motions to dismiss, twice, on the grounds of; (1) sovereign immunity; (2) failure to state a claim; (3) expiration of the statute of limitations; (4) improper venue; (5) failure to state a cause of action; and (6) failure to serve statutory notice. But the Respondent-Appellee were granted their legal defense argument of Petitioner-Appellant failed to meet the pleading standard and gave him twenty days to amend his statement of claim and on February 10, 2023, Petitioner-Appellant complied. And then in the second final hearing on May 24, 2022, the HCSCC, rejected all the Respondent's-Appellee's legal defensive grounds by denying their second motion to dismiss and accepted Petitioner's-Appellant's amended statement of claim and asserted that it met the pleading requirements for small claims matter, which meant, Petitioner-Appellant was the prevailing party but was denied the award of damages. Once the Petitioner-Appellant succeeded in overcoming the pleading requirements and after the HCSCC, failed to make a conclusive decision in the August 2, 2023, third final hearing and after its six months hiatus from Court

activities, the HCSCC, entered a notice of intent to dismiss the lawsuit for lack of prosecution and gave Petitioner-Appellant 14 days to file a motion to show good cause and on February 17, 2023, he complied with those instructions, even though the burden of party, was on the HCSCC, due to the fact that Petitioner-Appellant was the prevailing party and it was the Court responsibility to bring the case to a final resolve, ***See Pet. (App. H, 20a-21a).*** Also on February 17, 2023, Petitioner-Appellant filed a motion for default judgment, request for entry of default with supporting affidavits and a second motion to expedite and on February 23, 2023, the HCSCC, filed a final judgment order asserting that Petitioner-Appellant failed to provide sufficient evidence to meet his burden of proof, although the action was pending in that Court for two years and Petitioner-Appellant filed 41 pages of exhibits, 12 different motions, which one of them being the amended statement of claim, in which the HCSCC, alleged met the pleading requirements in small claims matter and based on the HCSCC, acceptance of that one document, it alone was sufficient evidence to meet the burden of proof, ***See Pet. (App. D, 4a-9a).*** Due to the corrupt activities of the HCSCC, Petitioner-Appellant filed a complaint into the U.S. District Court on July 15, 2022, and on July27, 2022, the federal court issued an order attempting to dismiss the case and gave Petitioner-Appellant an option to amend his complaint and on August 8, 2022, he complied with those instructions and on August 17, 2022, the U. S. District Court filed a report and recommendation (R&R) and on August 30, 2022, Petitioner-Appellant filed an objection to the R&R. Then on September 8, 2022, the U.S. District Court issued an order adopting the Magistrate Judge's R&R, denied the motion to proceed in forma pauperis, dismissed the complaint and closed the case. On September 12, 2022, Petitioner-Appellant filed a notice of appeal in the U.S. District Court and on

September 16, 2022, that Court filed a second R&R and on September 22, 2022, Petitioner-Appellant filed a second objection to the R&R and on October 5, 2022, the U. S. District Court adopted the second R&R and denied Petitioner's-Appellant's motion to proceed in forma pauperis into the U. S. Court of Appeals. Then on January 9, 2023, the U.S. Court of Appeals denied Petitioner-Appellant appeal and on January 23, 2023, Petitioner-Appellant filed a petition for panel rehearing and on January 26, 2023, the Clerk of the U.S. Court of Appeals denied the panel rehearing and on February 27, 2023, dismissed the complaint for want of prosecution because Petitioner-Appellant failed to pay the filing fees, which violated federal law, namely, ***U.S. Constitution 1st Amendment***, that states, abridging the freedom of speech and to petition the government for a redress of grievances.

REASON FOR GRANTING THE PETITION

WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY DISMISSING PETITIONER'S CASE BASED UPON THE LOWER COURT'S CLAIMS OF PETITIONER FAILED TO STATE A CLAIM, FAILED TO ESTABLISH SUFFICIENT PLEADINGS AND FAILED TO PRODUCE SUFFICIENT EVIDENCE?

Definitions of significant legal terms.

- *Insufficient evidence* - is the evidence which fails to meet the burden of proof and is inadequate to prove a fact.

- *Burden of proof* - is a party's duty to prove a disputed assertion or charge and includes the burden of production (providing enough evidence on an issue so that

the trier-of-fact decides it rather than in a peremptory ruling like a direct verdict) and the burden of persuasion (standard of proof such as preponderance of the evidence).

• *preponderance of evidence* - is the standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not.

• *Failed to state a claim* - is when a claimant has failed to present sufficient facts which, if taken as true, would indicate that a violation of law had occurred or that the claimant was entitled to a legal remedy.

• *Pleading standard requirement* - is that a complaint must state sufficient factual matter, and be accepted as true, and to state a claim for relief that is plausible on its face.

• *Plausible* - is having the appearance of truth or reason; worthy of approval or acceptance; credible; believable; persuasive; apparently valid; likely; trustworthy.

• *Exhibits* - is to (submit something, such as a document) to a court or officer in course of proceedings, to present or offer officially or in legal form, a document or material object produced and identified in court or before examiner for the use as evidence.

The HCSCC, failed to show and prove that Petitioner-Appellant did not meet the threshold pleading requirement standard, or did not plead with sufficient particularity, or failed to state a claim or failed to provide sufficient evidence, in the orders issued on February 1, 2022, June 8, 2022, and February 23, 2023.

Petitioner-Appellant will demonstrate that the above alleged deficiencies used by the HCSCC, has no relevance to the merits or factual base of the evidence presented in this action and it fails to produce any logical or legal sustainable grounds to warrant the dismissal of the claim. Petitioner-Appellant filed forty-one pages of complex and supportive exhibits with 12 different motions yet, both the Respondent-Appellee or the HCSCC, failed or refused to examine, mention or acknowledge the information contained in those documents but alleged Petitioner-Appellant failed to state a claim, failed to state a cause of action, failed to plead sufficiently and failed to provide sufficient evidence without meeting the obligatory burden of proof to prove those assertions. The HCSCC, and the Respondent-Appellee are maliciously and illegally attempting to utilize procedural issues to illegally dismiss this action, thereby avoiding substantive matters which violates Petitioner's-Appellant's ***U.S. Constitutional 1st Amendment Rights***, which states, or abridging the freedom of speech or to petition the government for redress of grievances and ***Florida Constitution Art. 1, § 21***, which states, the court shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay. The HCSCC, had in their possession not only sufficient facts in the complaint itself, but moreover it had overwhelming and irrefutable evidence in the form of exhibits, which showed and proved that the Respondent-Appellee committed serious crimes, but the HCSCC, refused to acknowledge the existence of such documents and instead asserted that Petitioner-Appellant, *failed to state a claim or insufficient evidence,* without meeting the three required elements to prove that declaration. And further the HCSCC, failed to protect the constitutional rights of Petitioner-Appellant by refusing to thoroughly review and analyze the four corners of the complaint and exhibits and report the

criminal violations to the proper authorities as required by federal law, that is, ***18 U.S.C, § 4,*** titled, misprision of felony, which asserts, whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known to some judge or other person in civil or military authority under the United States, shall be fine under this title or imprisoned not more than three years, or both. The HCSCC stated in its June 8, 2022, order, that Petitioner's-Appellant's amended statement of claim was still not a beacon of clarity, the Court finds it to be just sufficient enough to meet the pleading requirements in a small claim matter, ***See Pet. (App. G 17a-19a),*** and the Court further denied the Respondent-Appellee their defensive elements of (1) failure to provide statutory notice; and (2) failure to state a cause of action, which means the amended statement of claim met the pleading standard requirements, which asserts, a complaint must state sufficient factual matter, and be accepted as true and state a claim for relief that is Plausible on its face, and the meaning of plausible is having the appearance of truth or reason, credible, believable. Since the Trial Court accepted Petitioner's-Appellant's amended statement of claim as factual and true then the burden of proof was established and the plausibility standard was met, therefore the Trial Court acknowledged the allegations and causes of action of the complaint to be legitimate, which would indicate that a violation of law had occurred, and that Petitioner-Appellant was entitled to a legal remedy. And further by the Trial Court denying the Respondent's-Appellee's motion to dismiss and their defensive elements on the grounds that they were unsuccessful in proving that Petitioner-Appellant failed to state a cause of action and by the Trial Court granting his amended statement of claim, this was proof positive that the Court believed that the Respondent-Appellee had violated the law

and should have awarded Petitioner-Appellant damages or ordered discovery to allow the Respondent-Appellee the opportunity to provide documentation to deny or refute the evidence presented. The action of the Trial Court violates, Petitioner's-Appellant's constitutional rights and privileges guaranteed by the ***U.S. Constitution 5th Amendment,*** which states, nor be deprived of life, liberty, or property without due process of law, and the ***U.S. Constitution 14th Amendment,*** which asserts, no state shall make or enforce any law which shall abridge the ***"privileges",*** or immunities of citizen of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law. First Petitioner-Appellant have been litigating this action for several years and have provided all the Courts with overwhelming evidence that the Respondent-Appellee have committed fraud by manufacturing false government documents and committed crimes in multiple jurisdictions, through a conspiratorial criminal enterprise, but the Courts have failed to ensure Petitioner-Appellant received equal protection of the law. Secondly driver license is a privilege, but it's protected by the U.S. Constitution because it is a government document and a contractual agreement and business transaction between the state and the citizens, which means, its regulated by the federal government via commerce clause of the ***U.S. Constitution Article 1 § 8, clause 3,*** which states, to regulate commerce with foreign nations and among the several states and with the Indian tribes. So, since the Respondent-Appellee have robbed Petitioner-Appellant of his protected privileges, thereby violating his constitutional rights because the U.S. Supreme Court has ruled that owning and operating an automobile is a right, ***See, Thompson v. Smith 154 S E 579, 11 A J Const. law, §329, P. 1135,*** which asserts, the right of

the citizen to travel upon the public highway and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. This means, that the Respondent-Appellee have violated Petitioner's-Appellant's constitutional rights and federally protected privileges, and the Trial Court has aided and abetted them in their criminal enterprise by refusing to hold a fair hearing and report the violations to the proper authority as required by ***18 U.S.C. § 4,*** and thereby denying Petitioner-Appellant access to the court and due process of law.

The requirements for failure to state a claim or insufficient evidence.

According to state and federal laws, there are three main requirements needed to establish failure to state a claim or insufficient evidence and they are as follows:

a) The Petitioner failed to offer an example of legal activities.
b) The Petitioner failed to provide evidence to prove that the Appellees broke the law.
c) The Petitioner's lawsuit has no measurable injury indicated in the action.

The legal definition for failure to state a claim is as follows: a claimant has failed to present sufficient facts which, if taken as true, would indicate that a violation of law had occurred or that the claimant was entitled to a legal remedy.

Petitioner failed to offer an example of illegal activities conducted by Appellees.

On September 5, 1989, Florida DHSMV, conspired with an unknown attorney to use an illegal document "default judgment" to commit intra-interstate crimes to deprive Petitioner-Appellant of his driver's privileges for over twenty years ***See***

Exhibit-A (Stmt. Clm.). Alabama Law Enforcement Agency (ALEA), Driver License Division (DLD), and Florida DHSMV, on June 26, 2018, conspired to fabricate an email to concoct a story concerning the illegal hold placed on Petitioner's-Appellant's driver license and then insinuated that he had a Florida I. D. card and an Alabama driver license at the same time without proof of such and then reinstated them in the same year without any explanation for why they were confiscated, ***See Exhibit-H (Stmt. Clm.)***. On July 27, 2018, Petitioner-Appellant received a fabricated letter from the Florida DHSMV, Inspector General office refusing to investigate the criminal conduct of Alabama and Florida DMV and referring the matter back to the culprits who committed the violation ***See Exhibit-P (Stmt. Clm.)***. Petitioner-Appellant received a false and fabricated letter from the Florida DHSMV, Motorist Services dated August 31, 2018, claiming that some fictitious error occurred, when a Florida I. D. card was mistakenly shown as cancelled, when it had only expired and that they had corrected the information ***See Exhibit-R (Stmt. Clm.)***. And attached to that letter was a three-year driver's record history printout and nowhere on that document did it show any item being suspended, revoked, cancelled or expired ***See Exhibit-S (Stmt. Clm.)***. In fact, Petitioner-Appellant sent certified letters and complaints to ALEA. DLD, on October 16, 2018, with attached exhibits, showing and proving that fraud and conspiracy was committed by officials in both DMV agencies, but they refused to take the appropriate action, ***See Exhibits-A,B, 3/14/2022 Resp. Def. Mot. Dism.)***. On August 18, 2018, Petitioner-Appellant sent a certified complaint with attached exhibits to the Florida Attorney General, explaining and proving that serious crimes had been committed, ***See Exhibit N (Stmt. Clm.)*** and then on September 13, 2018, Petitioner-Appellant received a letter from the Florida Attorney General

Office, referring the matter back to the perpetrators of the violations ***See Exhibit-T (Stmt. Clm.)***. On February 18, 2022, the Florida Attorney General became the legal representative for Florida DHSMV and acquired all the evidence presented in the HCSCC, which included perjurious testimony of their client, false and fabricated government documents but refused to remove themselves from the case or initiate an investigation. After the HCSCC, and Florida Attorney General failed to file criminal referrals with the U.S. justice Department or investigate the matter on their own accord, Petitioner-Appellant sent certified complaints to the Florida Judicial Qualifications Commission, Federal Bureau of Investigation and the Florida Attorney General, requesting their assistance in resolving the continuous criminal violations by the Respondent-Appellee, yet Petitioner-Appellant failed to receive any type of response from the above-stated entities, so on July 15, 2022, Petitioner-Appellant sent the same complaint and attached exhibits by way of certified mail to the Florida Chief Inspector General Office and on July 22, 2022, Petitioner-Appellant received a letter from the above-mentioned official referring the issue back to the Florida DHSMV, Inspector General and apparently there was sufficient evidence to warrant an investigation and the Appeals Court should have taken note of that fact, since the Respondent-Appellee and the Trial Court are claiming lack of evidence to support the alleged violations.

Petitioner failed to provide evidence to prove that the Respondent broke the law.

Petitioner-Appellant alleged that the Florida DHSMV, conspired with Alabama DMV and an unknown lawyer to use an illegal default judgment to place a hold on Petitioner's-Appellant's driver license for over twenty years and will provide this Court with a host of exhibits to support that assertion, since evidence is needed to

confirm the Respondent-Appellee violated the law. The Trial Court had been avoiding mentioning anything concerning the forty-one pages of exhibits filed with Petitioner's-Appellant's complaint but have determined that this action failed to state a claim or failed to provide sufficient evidence without thoroughly examining all the evidence presented to the court, so Petitioner-Appellant will demonstrate with the following exhibits that state and federal laws were violated. The Respondent-Appellee provided Petitioner-Appellant with a false and fabricated government document dated February 1, 2012, ***See Exhibit-A (Stmt. Clm.)***, and it displayed fictitious information related to driver license issues, particularly the dates of September 5, 1989, where a driver license was suspended and a default judgment was filed, then on April 29, 2009, another driver's related item was suspended and on November 6, 2009, a driver's related item was cancelled and finally at the top of the page, it shows a driver's license expiration date of July 16, 1998, and all of the above information is false because Petitioner-Appellant was only issued driver license in the state of Florida for the first time on May 10, 2019. Then Petitioner-Appellant received an email from ALEA, DLD Chief, dated June 26, 2018, conspiring with Florida DHSMV, attempting to concoct a narrative to justify placing the illegal hold on Petitioner's-Appellant's driver privileges for over twenty years, by claiming that some error occurred when his Alabama Driver license was reported suspended and his Florida I. D. card was shown as expired ***See Exhibit-H (Stmt. Clm.)***.The above-mentioned email is insinuating that Petitioner-Appellant had a Florida I. D. card and an Alabama driver license simultaneously but neither of those DMV agencies have documentation to prove such an assertion. And further Petitioner-Appellant never lived or had an I. D. card in Florida until the early parts of the year 2000, so the email is the falsification of a

government document and proof of a conspiracy between Alabama and Florida DMV. Petitioner-Appellant sent a certified complaint with supporting exhibits attached, to the Florida DHSMV, Inspector General Office on July 23, 2018, and on July 27, 2018, Petitioner-Appellant received a falsely manufactured government letter from the Florida DHSMV, Inspector General acknowledging the reception of Petitioner's-Appellant's complaint and the accompanying exhibits and it further identifies the main issue of the complaint, which was driver's privileges and it continued asserting that after reviewing Petitioner's-Appellant's concerns, the Inspector General determined that the Alabama driver license issue would be best handled by the originator of the crimes, which was Florida DHSMV, Motorist Services but failed to report the violation to the proper authorities or investigate the matter, ***See Exhibit-P (Stmt. Clm.)***. Then on August 31, 2018, Petitioner-Appellant received a falsely fabricated government document from Florida DHSMV, Motorist Services, asserting that an error occurred when Petitioner's-Appellant's driver history was updated but failed to explain why it was updated and who requested such an action, then the letter went on to say that Florida DHSMV, system indicated that Petitioner's-Appellant's, I. D. card had been cancelled, when it had only expired, ***See Exhibit-R (Stmt. Clm.)*** and they attached to that letter another falsified government document, which was a three-year driver's record history printout, that failed to show any I. D. card or driver license being cancelled, revoked, suspended or expired, ***See Exhibit-S (Stmt. Clm.)***. Florida and Alabama DMV, have provided Petitioner-Appellant with numerous fraudulent government documents to attempt to conceal all the crimes committed against Petitioner-Appellant for over twenty years and those same documents were filed with the HCSCC, on February 25, 2021, to help bolster the factual grounds of this

complaint but have not been utilized, accepted, or reviewed by the HCSCC, so Petitioner-Appellant will introduce the following exhibits to this Court to show and prove that there has never been a legal problem with Petitioner's-Appellant's Alabama or Florida driver license or I. D. card. As stated, above Petitioner-Appellant received a three-year driver's history printout from Florida DHSMV, dated August 31, 2018, ***See Exhibit-S (Stmt. Clm.)*** and then Petitioner-Appellant received a driver record printout dated March 29, 2021, from Florida DHSMV ***See Exhibit-D (Amd. Stmt. Clm.)*** then on January 11, 2021, Petitioner-Appellant received a transcript of his Florida driver's record from Florida DHSMV, ***See Exhibit-I (4/21/2021, Resp. Def. Mot. Dism.)*** and finally Petitioner-Appellant requested a lifetime history of his Alabama driver license and on December 23, 2020, that falsified government document was received, ***See Exhibit-E (4/21/2021, Resp. Def. Mot. Dism.)***. None of the above documents show that Petitioner's-Appellant's, I. D. card or driver license were ever suspended, revoked, cancelled or expired as claimed by the Florida DHSMV, Motorist Service's letter dated August 31, 2018, ***See Exhibit-R (Stmt. Clm.)*** or the ALEA, DLD, Chief email dated June 26, 2018, ***See Exhibit-H (Stmt. Clm.)***. Then displayed in all of Florida DHSMV, driver's history documents was a false and fabricated original license issue date of August 6, 1987, ***See Exhibits-D (Amd. Stmt. Clm.***, ***Exhibit-I (4/21/2021, Resp. Def. Mot. Dism.)*** and ***Exhibit-S (Stmt. Clm.)***, yet all of the Florida DHSMV, driver's records show and prove that Petitioner-Appellant never had driver license in Florida until May 10, 2019, and only moved to Florida around the early part of the year 2000, and according to those same documents, the earliest date listed for the issuance of any Florida government document is January 30, 2014, so this proves that the above-mentioned Florida driver's record documents are fabricated

and if the U.S. Supreme Court examine the Florida DHSMV, drivers' records transcript dated January 11, 2021, ***See Exhibit-I (4/21/2021, Resp. Def. Mot. Dism.)***, the March 29, 2021, Florida driver history record ***See Exhibit-D (Amd. Stmt. Clm.)***, and the August 31, 2018, driver's record, ***See Exhibit-S (Stmt. Clm.)***, it would discover that the August 6, 1987, original license issue date is listed under the heading of prior state of Alabama, but according to the lifetime history of Petitioner's-Appellant's Alabama driver license, the earliest issue date on file in that document is August 4, 1994, ***See Exhibit-E (4/21/2021, Resp. Def. Mot. Dism.)***, so the Respondent-Appellee are inventing and concocting these documents to fit their narrative to try and justify criminal conduct.

Petitioner's lawsuit has no measurable injury indicated in the action.

Petitioner-Appellant alleged that the Respondent-Appellee conspired for over twenty years to punish him by means of placing an illegal hold on his driver's privileges, thereby producing economic lost and health issues due to the extreme stressful conditions in which Petitioner-Appellant had to operate within his life existence. Petitioner-Appellant have lost, job wages, business revenue, time away from the job and business and the devaluation of his mental and physical health due to the Respondent-Appellee misconduct. Petitioner-Appellant have been litigating this case for years, which has caused him the loss of time and resources, by forcing Petitioner-Appellant to study law, business and organization protocols, rules, regulations and policies without the assistance of paralegals, advisors, or team members to research, investigate, proofread and type all motions and documents to help facilitate and accomplish the desired objective.

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN REFUSING TO REVIEW OR EXAMINE THE FOUR CORNERS LIMITS OF THE COMPLAINT AND ALL THE ACCOMPANYING EXHIBITS, ORDER THE DISCOVERY PROCESS AND AWARD DAMAGES TO THE LEGAL PREVAILING PARTY?

In the HCSCC, February 1, 2022, order the Court asserted that Petitioner's-Appellant's statement of claim was comprised of approximately eight pages of written statements and forty-one pages of attachments (exhibits), which is insinuating that the complaint was too lengthy in form and there were too many exhibits filed with the Court at one time, which proves the HCSCC. has never examine or analyzed that information, therefore its final judgment is voided based on that factor. The HCSCC, further stated that the Respondent-Appellee argued that Petitioner-Appellant's statement of claim did not plead the facts of the case with sufficient particularity and the HCSCC, asserted that, a review of the statement of claim reflects that it does not meet the pleading standard under Florida Small Claims Rules and continue asserting the following: (1) The statement of claim here does not in concise form appropriately inform the Respondent-Appellee of the basis of the claim; (2) The statement of claim lacks clarity regarding the facts connected to the claims alleged and the relevant dates of alleged conduct, included a significant amount of unnecessary background information and included information that bears no connectivity to the claims alleged; and (3) The statement of claim fails to articulate a basis for damages sought. This Court may receive in the future a copy of Petitioner's-Appellant's initial statement of claim and if a thorough examination is done of that document, this Court will discover that it is simple, concise and to the point and it does not contain legal argument, laws or

rules and nowhere in the HCSCC, February 1, 2022, order does it deal with the merits of the case but rather was arguing procedural issues, as if Petitioner-Appellant is supposed to be proficient in law when in reality, he was not allowed legal representation in the small claims court. And further according to the establishment and purpose of the small claims court, it is a specialized tribunal created by statute, with specific duties and powers, and it's designed to provide a judicial determination of disputes involving small amounts of money and its procedures are significant for inexpensiveness, speed and simplicity. This means that the small claims court is limited in power and authority and is unable to effectively resolve complex litigation issues, as those brought by the Respondent-Appellee, in which the HCSCC, rightfully refused to entertain based upon all the HCSCC, orders, which should have allowed the Trial Court the opportunity to focus entirely on the factual evidence but due to the control and influence of the Respondent-Appellee over the Court, Petitioner's-Appellant's documentation was ignored. When there is complex issues before the Court, there is a legal process that must be implemented to quickly resolve the matter and according to ***FRCP 1.201(a)(1)***, titled; complex litigation, which states, at any time after all defendants have been served, and an appearance has been entered in response to the complaint by each party or a default entered, any party, or the court on its own motion, may move to declare an action complex and further, the court shall convene a hearing to determine whether the action requires the use of complex litigation procedures and enter an order within 10 days of the conclusion of the hearing. The HCSCC, had a responsibility to order a hearing on the complexity of the action or transfer the action to the Circuit Court for adjudication, but the Trial Court failed to take either course of action and dismissed the complaint for insufficient evidence or failure to

state a claim, after trying to resolve the issues for two years. Pursuant to ***FRCP 1.201(a)(1)***, which asserts, (1) a complex action is one that is likely to involve complicated legal or case management issues and that may require extensive judicial management to expedite the action, keep cost reasonable, or promote judicial efficiency. The HCSCC, had failed to meet the three above functions, which are as follows: (1) *inexpensiveness;* Petitioner-Appellant was initially paying the filing fees of all his civil actions plus copying, faxing, process services, research, mailing and generally litigating, so in short Petitioner-Appellant have lost a significant amount of financial resources; (2) *speed;* this action was pending for two years in the small claims court, which is not at all normal but it was filed on February 25, 2021, and the third final judgment was issued on February 23, 2023, wherein the Trial Court asserted that Petitioner-Appellant failed to provide sufficient evidence, but in the February 1, 2022, order the HCSCC, dismissed Petitioner's-Appellant's statement of claim in part for the alleged reason of insufficient pleading and gave him twenty days to amend the claim. Then on June 8, 2022, the HCSCC, completely denied the Respondent's-Appellee's motion to dismiss and granted Petitioner-Appellant his amended statement of claim, by stating that, although Petitioner's-Appellant's statement of claim is still not a beacon of clarity, the Court finds it to be sufficient enough to meet the pleading requirement in small claims matter. The *pleading standard requirement means;* that a complaint must state sufficient factual matter and be accepted as true and state a claim for relief that is plausible on its face and the meaning of *plausible;* is having the appearance of truth or reason, credible, persuasive and likely. Based on the fact that the HCSCC, found Petitioner's-Appellant's amended statement of claim to be true, credible and factual, then damages should have been award to the

prevailing party, or the Trial Court should have ordered the discovery process because the Court accepted Petitioner's-Appellant's allegations or causes of action for conspiracy, fraud and negligence, which means, that the Court believed that the Respondent-Appellee had violated the law, and therefore were required to provide the HCSCC, with the proper documentation to deny or refute the allegations in the complaint.

Trial Court and Respondent failed to meet their burden of proof.

The legal definition of *burden of proof,* is a party's duty to prove a disputed assertion or charge, and the opposing party is then required to file a responsive pleading denying some or all the allegations and setting forth any affirmative facts in defense, therefore each party has the burden of proof of its allegations and that include the Trial Courts. There are two main elements to the burden of proof, and they are as follows:

1) *Burden of production*; (providing enough evidence on an issue so that the trier-of-fact decides it rather than in a peremptory ruling like a directed verdict).

The *meaning of peremptory,* is putting an end to or precluding a right of action, debate, delay, specifically; not providing an opportunity to show cause why one should not comply. The meaning of, *directed verdict,* is a ruling entered by a trial judge after determining that there is no legally sufficient evidentiary basis for a reasonable jury to reach a different conclusion.

The HCSCC, has knowingly and willingly aided and abetted the Respondent-Appellee in criminal conduct after the fact of distributing misleading and false

information and denying Petitioner-Appellant access to the Court by falsely asserting that the claim has insufficient evidence to proceed to trial, while at the same time alleging that the amened statement of claim has sufficient factual contents. On April 20, 2022, Petitioner-Appellant filed a motion to expedite due to the HCSCC, and the Respondent-Appellee purposely delaying the Court proceedings and conspiring to force Petitioner-Appellant into an illegal final hearing that was set for May 24, 2022, in which he refused to participate and after the hearing the HCSC, filed a Court ticket asserting that Petitioner-Appellant failed to appear even though the Court was not in compliance with Florida laws, especially, ***Florida Rule of Civil Procedure (FRCP) 1.440(c)***, titled; setting for trial, which asserts, if the court finds the action ready to be set for trial, it shall enter an order fixing a date for trial. And since there was never any official orders issued fixing the trial date of May 24, 2022, then Petitioner-Appellant had no legal obligation to take part in criminal activities and due to the HCSCC, refusing to entertain the motion to expedite, yet attempting to compel Petitioner-Appellant into illegal processes, he filed a motion for sanction on opposing counsel, in which the HCSCC, refused to take any action on that motion, although pursuant to ***Florida Statute (F.S.) 57.105(a)(b),*** titled; attorney fees, sanctions for raising unsupported claims or defenses, which asserts, upon the court initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or losing attorney knew or should have known that the claim or defense when initially presented to the court or at any time before trial; (a) was not supported by material

facts necessary to establish the claim or defense; or (b) would not be supported by the application of then-existing law to those material facts. The Trial Court knew that Petitioner-Appellant filed forty-one pages of exhibits and most of those documents were false and fabricated government documents from the Respondent-Appellee and this case was pending in the HCSCC, for two years and at no time were those exhibits ever mention, reference, utilized for or against the statement of claim, yet the Court was alleging that the claim had insufficient evidence. So, here the action of the HCSCC, is a peremptory move by precluding a right of action and not providing an opportunity to show cause why one should not comply; consequently Petitioner-Appellant met his obligation of the burden of production, therefore, the burden of proof shifted to the HCSCC, and the Respondent-Appellee who have never seriously attempted to refute the allegations of the complaint. And further on February 17, 2023, Petitioner-Appellant filed a motion to show cause, motion to expedite and render final judgment, motion to enter default, and motion for default judgment with affidavits and within six days the HCSCC, issued a final judgment after two years of delaying the process, without reviewing or analyzing any of those motions submitted by Petitioner-Appellant, thereby violating the law by taking a peremptory action and issuing a directed verdict, which is asserting that the HCSCC, had determined that there was no legally sufficient evidentiary basis for a reasonable jury to reach a different conclusion, while stating that Petitioner's-Appellant's amended statement of claim was sufficient, truthful and contained factual evidence to supported the fact that the Respondent-Appellee violated the law.

The second element of burden of proof.

1) *Burden of persuasion* (standard of proof such as preponderance of the evidence).

The meaning of *preponderance of the evidence,* is the standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not. On February 1, 2022, the HCSCC, issued an order denying all the Respondent's-Appellee's defensive grounds, which were (1) sovereign immunity; (2) expiration of the statute of limitations; and (3) improper venue, and granted them the fourth defensive element, in which the HCSCC, alleged that Petitioner-Appellant failed to plead sufficiently and dismissed the statement of claim in part and gave Petitioner-Appellant 20 days to amend the complaint. Then on June 8, 2022, the HCSCC, completely rejected the Respondent's-Appellee's motion to dismiss and denied all their defensive grounds, which were (1) failure to provide statutory notice; and (2) failure to state a cause of action, and granted Petitioner's-Appellant's amended statement of claim, by asserting that although the amended statement of claim was still not a beacon of clarity, the Court finds it to be just sufficient enough to meet the pleading requirement in small claims matter. Since the HCSCC, had denied all of the Respondent-Appellee legal defense arguments and granted Petitioner-Appellant his amended statement of claim, thereby establishing the fact that the preponderance of evidence was in favor of Petitioner-Appellant because he presented evidence which was more credible and convincing than that presented by the other party, or which shows that the facts to be proven is more probable than

not, yet the HCSCC, dismissed the complaint for insufficient evidence but refused to acknowledge, examine or prove that any of the forty-one pages of exhibits were not what Petitioner-Appellant claimed them to be or prove that the exhibits do not support the allegations in the complaint.

Trial Court failed to review and examine the complaint and the accompanying exhibits.

Failure to state a claim or insufficient evidence rebuttal.

1) Petitioner failed to offer an example of illegal activities.
2) Petitioner failed to provide evidence to prove that the Respondent broke the law.
3) Petitioner's lawsuit has no measurable injury indicated in the action.

On February 1, 2022, the HCSCC, granted the Respondent's-Appellee's motion dismiss in part, by asserting in its decision, that after having reviewed and considered the Respondent's-Appellee's motion, the argument of the parties, the court files, relevant case law and being otherwise fully advise, the Court reached its final conclusion after one year of litigation. Therefore, the HCSCC, denied three of the Respondent's-Appellee's defensive elements, which were as follows: (1) statute of limitations; (2) improper venue; and (3) sovereign immunity and granted them the fourth element, which the HCSCC, alleged that Petitioner-Appellant failed to plead with sufficiency and gave him 20 days to amend his claim, in which he fully complied. Then on June 8, 2022, the HCSCC, asserted in its order that after reviewing Petitioner's-Appellant's amended statement of claim and the response to the Respondent's-Appellee's motion to dismiss the Court arrived at its conclusion and further stated that the only reason that the Court previously

dismissed Petitioner's-Appellant's statement of claim was because of insufficient pleading. The HCSCC, further asserted in the June 8, 2022, order that the Appellees-Defendants alleged two defensive grounds in their March 9, 2022, motion to dismiss, which were, (1) failure to provide statutory notice, and (2) failure to state a cause of action. And the HCSCC, continued to assert in the June 8, 2022, order that Petitioner's-Appellant's amended statement of claim was still not a beacon of clarity, but the Court found it to be sufficient enough to meet the pleading requirement in small claim matters. And on February 23, 2023, the HCSCC, issued a final judgment for the Respondent-Appellee, asserting insufficient evidence, while at the same time granting Petitioner's-Appellant's amended statement of claim by stating that it met the pleading requirement, thereby overcoming the major hurdle of the first motion to dismiss filed March 29, 2021, which alleged that Petitioner-Appellant failed to plead sufficiently, which means, that the amended statement of claim is sufficient evidence within its self and since the HCSCC, denied the Respondent's-Appellee's second motion to dismiss, filed on March 9, 2022, which eliminated the Respondent's-Appellee's defensive ground of failure to state a cause of action, thereby contradicting the HCSCC, own insufficient evidence argument by agreeing with Petitioner-Appellant that he stated a cause of action and met the burden of proof and provided the Court with sufficient evidence. In addition, Petitioner-Appellant alleged that on September 5, 1989, the Respondent-Appellee conspired with an unknown attorney to falsify government records and use an illegal document "(default judgment)" to commit intra-interstate crimes, ***See Exhibit-A (Stmt. Clm.)***. Then the Respondent-Appellee conspired with Alabama DMV to fabricate a false government email to try and justify the illegal hold placed on Petitioner's-Appellant's driver license ***See***

Exhibit-I (Stmt. Clm.), and further the Respondent-Appellee fabricated another government document where they refused to investigate all the crimes committed against Petitioner-Appellant for over twenty years, ***See Exhibit-P (Stmt. Clm.).*** Then the Respondent-Appellee falsified a government document, by asserting that Petitioner-Appellant had legal issues with his Florida I. D. card and his Alabama driver license, when no such problem ever existed ***See Exhibit-R (Stmt. Clm.)***.Then the Respondent-Appellee sent Petitioner-Appellant a fabricate government document, filled with complete misinformation concerning Petitioner's-Appellant's driver license and I. D. card, which showed and proved that neither were ever suspended, revoked, cancelled or expired ***See Exhibit-S (Stmt. Clm.)*** and further Petitioner-Appellant received a false driver's history printout from Alabama DMV, dated December 23, 2020, ***See Exhibit-E (4/21/2021, Resp. Def. Mot. Dism.)***, then Petitioner-Appellant received a driver's record transcript dated January 11, 2021, from Florida DHSMV ***See Exhibit-I (4/21/2021, Resp. Def. Mot. Dism.)***. Petitioner-Appellant then received a driver's record from Florida DHSMV, dated March 29, 2021, ***See Exhibit-D (Amd. Stmt. Clm.)*** and as mentioned earlier Petitioner-Appellant received a driver record printout from Florida DHSMV, dated August 31, 2018, ***See Exhibit-S (Stmt. Clm.)***. The HCSCC, had all the above information in their possession but refused to acknowledge the existence of such and failed to review that crucial and critical evidence set before them, but after Petitioner-Appellant amended his complaint and warned the HCSCC, of their unjust conduct and informed the Court that the exhibits needed careful examination and the information within the four corners of the complaint should have been seriously studied to extract the facts and apply them to the Court final decision, but the HCSCC, ignored the advice of Petitioner-

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 7, 2024, a true and correct copy of the foregoing was sent via U.S. mail to the person and address listed below.

Marie T Rives

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Tampa, Florida 33607

(813) 577-4533

Marie.rives@myfloridalegal.com

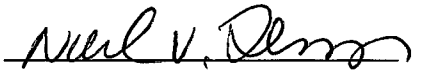
Noel Vincent Thomas

Appellant and illegally dismissed the case without proper justification or without reporting the criminal activities of the Respondent-Appellee to the proper authorities as required by ***18 U.S.C. § 4***.

CONCLUSION

For the foregoing reasons, Petitioner, Noel Vincent Thomas respectfully request that the Trial Court's order dismissing Petitioner's action without prejudice be reversed, and this case be remanded for adjudication on the merits.

Respectfully Submitted,



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