ORIGINAL

No. 23-7111

FILED
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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Noel Vincent Thomas — PETITIONER
(Your Name)

vs.

Alabama Law Enforcement Agency, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Alabama Supreme Court
(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)

QUESTION PRESENTED

1) Whether the Trial Court erred as a matter of law by dismissing Petitioner's case based upon the Lower Court's decision that Petitioner, failed to state a claim, res judicata, the expiration of the statute of limitations and sovereign immunity?
2) Whether the Trial Court abused its discretion in refusing to review or examine the complaint and the accompanying exhibits within the the four corners limits of the pleading and the failure to establish the burden of proof for Alabama Court's jurisdiction to support the final decision?

PARTIES TO THE PROCEEDINGS AND RELATED CASES

Petitioner, Noel Vincent Thomas, was the Plaintiff in the Alabama Circuit Court and Appellant in the Alabama Supreme Court proceedings.

Respondents, Alabama Law Enforcement Agency, (Driver License Division), Deena L Pregno, Charles Ward and Hal Taylor were the Defendants in the Alabama Circuit Court and Appellees in the Alabama Supreme Court proceedings.

Below are all the past and present proceedings of other Courts that are directly related to this action.

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. Florida DHSMV, No. *21-CC-018676*, Hillsborough County Small Claims Court, Florida, judgment entered on February 23,2023.

Noel Vincent Thomas vs. Florida DHSMV, No. *2D23-0685*, Florida Second District Court of Appeals, judgment entered on January 3, 2024.

Noel Vincent Thomas vs. Alabama Law enforcement agency (DLD) et al. No. *21-CC-000466,* Hillsborough County Small Claims Court, Florida, judgment entered on April 20, 2021.

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

December 21, 2021.

Noel Vincent Thomas vs Alabama Law Enforcement Agency (DLD) et al. No. *22-CC-110379*, Hillsborough County Small Claims Court, 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 (DLD) et al. No. *SM-2022-903819*, District Court of Montgomery, Alabama, judgment entered on December 7, 2022.

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

Noel Vincent Thomas vs. Alabama Law Enforcement Agency (DLD) et al. No. *CL-2023-0360*, Alabama Court of Civil Appeals, judgment entered on June 29, 2023.

Noel Vincent Thomas vs. Alabama Law Enforcement Agency (DLD) et al. No. *SC-2023-0457*, Alabama Supreme Court, judgment entered on January 5, 2024.

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Noel Vincent Thomas, respectfully request the issuance of a writ of certiorari to review the judgment of the Alabama Supreme Court.

OPINION BELOW

The Alabama Supreme Court's final judgment and the denial of the application for rehearing and the brief in support of such is unpublished and reprinted at, ***Pet. (App. A, 1a)***. The affirmative opinion of the Alabama Supreme Court of the Trial Court's decision is unpublished and reprinted at, ***Pet.(App. B, 2a)***. An unpublished order from the Alabama Court of Civil Appeals transferring this case to the Alabama Supreme is reproduced at, ***Pet. (App. C, 3a)***. The Alabama Circuit Court's order denying Petitioner's motion for rehearing is unpublished

and reprinted at, ***Pet. (App. D, 4a)***. The Alabama Circuit Court's decision granting the Respondent's motion to dismiss is unpublished and reproduced at, ***Pet. (App. E, 5a)***. An unpublished order from the Alabama District Court transferring this action to the Alabama Circuit Court is reprinted at, ***Pet. (App. F, 6a)***.

JURISDICTION

The Petitioner's application for rehearing and brief in support of the application was denied on January 5, 2024, and he 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 Alabama Supreme Court'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 E-4,8,13, comp.)***, and after consistent attempts by way telephone to force them to provide exonerating documents to justify their action or to correct the problem, yet they refused and failed to comply. And this prolonged and torturous experience caused severe loses and damages, which violated Petitioner's-Appellant's ***U.S. Constitutional 8th Amendment Right***, that states, nor cruel and unusual punishment be inflicted, but here this action demonstrated clear evidence of abuse and misuse of authority. After years of

unsuccessful endeavors of contacting the Respondents-Appellees by way of telephone, Petitioner-Appellant started sending certified complaints to multiple Alabama and Florida state officials in an attempt to apply pressure directly on them and some responded and other refused ***(See E-7, comp.)***, and they all decided to conspire to cover up the initial violations by ignoring the facts and began 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 Respondents-Appellees, 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 Hillsborough County Small Claims Court (HCSCC), on March 29, 2021, they were repeatedly referencing the terms, private Florida attorney, unnamed Florida attorney and unnamed private personal injury attorney, ***(See E-1,2,3, comp.),*** which confirms that the Respondents-Appellees 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.*** 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 E-4, comp.).*** 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 E-7,9,10,11, comp.).*** 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 Respondents-Appellees 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 E-4, comp.),*** which proves the Respondents-Appellees 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 Respondents-Appellees, 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 E-4,5,6. Comp.),*** 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's item 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 E-4,5, comp.),*** 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 E-8, comp.).*** 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 E-8, comp.)***. 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 E-12, comp).*** 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 E-13, comp.).*** 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 E-14, comp.).*** 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 E-14,18,19,***

comp.). 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 E-17, comp.),*** and ordered a driver's record transcript from Florida DHSMV, date January 11, 2021, ***(See E-18, comp.),*** and on March 29, 2021, the Respondents-Appellees, filed a request for judicial notice in the HCSCC, with a fabricated government driver's history document attached ***(See E-19, comp.),*** 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 E-18, comp.),*** and the driver's record that was attached to the Respondent's-Appellee's, request for judicial notice ***(See E-19, comp.),*** 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 in the Trial Court's records ***(See E-17, comp.),*** and according to

that document the earliest issue date of Petitioner's-Appellant's, Alabama driver license on file is August 4, 1994, ***(See E-17, comp.),*** so where did Florida DHSMV, get that false information since Alabama records only dates back to the year of 1994? After receiving the necessary documents from both DMV agencies Petitioner-Appellant, filed a lawsuit against Alabama Law Enforcement Agency (ALEA), Driver License Division (DLD), on January 5, 2021, case number 21-CC-000466, into the HCSCC, where he filed a 7-page statement of claim and 40 pages of exhibits, which supported all Petitioner's-Appellant's, allegations or causes of action. And with all the confirmative evidence presented to the HCSCC, the Respondents-Appellees, immediately filed a motion to dismiss, on March 24, 2021, instead of properly responding to the complaint as required by ***Florida Rule of Civil Procedure (FRCP) 1.140(a)(1),*** which asserted, that a defendant must serve an answer within 20 days after service of original process and the initial pleadings on the defendants, which was served upon them on January 15, 2021, yet the HCSCC refused to grant Petitioner-Appellant, default judgment but rather granted the Respondent's-Appellee's, motion to dismiss on April 20, 2021, based on the defensive grounds of sovereign immunity and the expiration of the statute of limitation, and that decision was concluded in a very short period of time without holding a real evidentiary hearing or the discovery process. Then on April 21, 2021, Petitioner-Appellant, filed a notice of appeal into the Florida Second District Court of Appeals (2DCA), where he had to pay an

additional $400.00 for filing fees after paying the HCSCC, $320.00, in fees, only to have his case dismissed within a few months, which violated due process, conspiracy and criminal enterprise laws. And on December 3, 2021, the 2DCA affirmed the HCSCC opinion without either Court acknowledging or examining the complaint and the exhibits or considering the fact that the Respondents-Appellees, failed to respond to the summons and complaint within the 20-day time limits. Due to the inconsistency of the Florida Court system Petitioner-Appellant, decided to file a complaint into the Montgomery, Alabama District Court (ALDC), in December of 2022, and on December 7, 2022, the Alabama District Court issued an order transferring the case to the Circuit Court of Alabama (ALCC), for adjudication of the matter for the alleged reason of Petitioner-Appellant, sought relief outside of the Trial Court's jurisdictional authority ***See Pet. (App F, 6a)***. Then on December 21, 2022, the ALCC, granted Petitioner's-Appellant's, affidavit of substantial hardship and on December 29, 2022, the summons and complaint was served upon the Respondents-Appellees, by the ALCC, who refused to respond to the 30-day time limit required by ***Alabama Rule of Civil Procedure (ARCP) 12(a),*** which states, a defendant shall serve an answer within thirty (30) days after service of summons and complaint upon that defendant except when service is made by publication and a different time are prescribed under applicable procedure. Then a hearing was set for February 27, 2023, and in that hearing the ALCC, granted the Respondents-Appellees,

their motion to dismiss, ***See Pet. (App. E, 5a)***, and Petitioner-Appellant, filed a motion for rehearing and on April 3, 2023, the ALCC, denied said motion, ***See Pet. (App. D, 4a)***. And on May 15, 2023, Petitioner-Appellant filed a notice of appeal into the Alabama Court of Civil Appeals (ALCCA), and on June 29, 2023, the case was transferred to the Alabama Supreme Court (ALSC), ***See Pet.(App. C, 3a)***. Then on November 9, 2023, the ALSC, affirmed the Lower Court's decision ***See Pet. (App. B, 2a)***, and on November 13, 2023, Petitioner-Appellant filed an application for rehearing with a brief in support of such and on January 5, 2024, the ALSC, denied the application for a rehearing and imposed the proceeding cost onto an indigent person who did not initiate the appeal into the ALSC. ***See Pet. (App. A, 1a)***.

ARGUMENT

Whether the Trial Courts erred as a matter of law by dismissing Petitioner's case for the alleged reasons of failure to state a claim, the expiration of the statute of limitations, res judicata and sovereign immunity?

Requirements for failure to state a claim.

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.

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

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 E-4, comp.).*** 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 E-8, comp.).*** 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 violations ***(See E-12, comp.).*** 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 E-13, comp),*** and attached to that letter was a three year driver's record history printout and nowhere on that document does it show any item being suspended, revoked,

cancelled or expired ***(See E-14, comp.)***. 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 E-15,16, comp.)***. On August 28, 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 E-20, comp.),*** 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 E-21, comp.)***. 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 and false and fabricated government documents but refused to remove themselves from the case or initiate an investigation ***(See E-22, comp.)***. 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, ***(See E-30,31,32, comp.),*** requesting their assistance in resolving the continuous criminal violations by the Respondents-Appellees, 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 ***(See E-33, comp.),*** 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 Supreme Court should take note of that fact, ***(See E-34, comp.).*** All the above documents support and proves the allegations in the complaint and directly refute the argument of the Trial Courts and the Respondent's-Appellee's assertion that Petitioner-Appellant failed to state a claim without pointing out one deficiency in the pleading or exhibits. And the following are some Alabama cases that conflict with the Trial Courts decision: Furthermore, in reviewing a ruling on a motion to dismiss we will not consider whether the pleader will ultimately prevail but whether pleader may possibly prevail. *Fontenot v. Bramlett 470 So. 2d 669 (Ala. 1985).* We construe all doubt regarding the sufficiency of the complaint in favor of the plaintiff. *Newman v. Savas 878 So. 1147, 1148-49 (Ala. 2003).* This court must accept the allegations of the complaint as true. *Daniel v. Moye 224 So. 3d 115 (Ala. 2016), Ussery v. Terry 201 So. 3d 544 (Ala. 2016).* A dismissal for failure to state a claim is properly granted only when it appears beyond a doubt that the plaintiff can prove no set of facts entitling him to relief. *Winn Dixie Montgomery, Inc. v. Henderson 371 So. 2d 899 (Ala. 1979).*

2. *Petitioner failed to provide evidence to prove that the Respondents 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 Respondents-Appellees, violated the law. The Trial Courts has been avoiding mentioning anything concerning the 32 exhibits filed with Petitioner's-Appellant's, complaint but have determined within a short span of time that this action failed to state a claim 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. Motion to dismiss only encompasses the determination of whether the pleading state a claim upon which relief can be granted, matters outside the pleadings should not be considered in deciding whether to grant a rule 12(b)(6) motion. *Briggs v. Woodfin 395 So.2d 1024 (Ala. App. 1981).* In the event matters outside the pleadings are called to the attention of the trial court, as in this instance, the trial court should treat the Rule 12(b)(6) motion as one for summary judgment under Rule 56 and proceed accordingly. *Hales v. First National Bank of Mobile, Ala. 380 So. 2d 797 (Ala. 1980).* The Respondents-Appellees, provided Petitioner-Appellant, with a false and fabricated government document dated February 1, 2012, ***(See E-4,***

comp.), 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 showed 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 E-8, comp.).*** 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, Appellant-Plaintiff 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 he 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 E-12, comp.).*** 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-Appellant, 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 E-13, comp.),*** 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 E-14, comp.).*** 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 documents were filed with the ALDC, on December 7, 2022, to help bolster the factual grounds of

this complaint but have not been utilized, accepted, or reviewed by the Trial Courts, so, Petitioner-Appellant, will introduce the following exhibits to the U.S. Supreme 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 E-14, comp.),*** and then Petitioner-Appellant, received a driver record printout dated March 29, 2021, from Florida DHSMV ***(See E-19, comp.),*** then on January 11, 2021, Petitioner-Appellant, received a transcript of his Florida driver's record from Florida DHSMV, ***(See E-18, comp.),*** and finally Petitioner-Appellant, requested a lifetime history of his Alabama driver license dated December 23, 2020, ***(See E-17, comp.).*** None of the above documents show that Petitioner-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 E-13, comp.),*** or the ALEA, DLD, Chief's email dated June 26, 2018, ***(See E-8, comp.).*** 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 E-14,18,19, comp.),*** 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 of 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, driver's record transcript dated January 11, 2021, ***(See E-18, comp.),*** and the March 29, 2021, Florida driver history record ***(See E-14, comp.),*** 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 E-17, comp.),*** so the Respondents-Appellees were inventing and concocting these documents to fit their narrative to try and justify criminal conduct.

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

Petitioner-Appellant, alleged that the Respondents-Appellees, 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. 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 Respondents-Appellees, 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.

Failure to establishes the statute of limitations requirements.

The Respondents-Appellees alleged that Petitioner's-Appellant's, claim was barred on its face by the applicable statute of limitations, namely, ***Alabama Code (1975), 6-2-38,*** which covers a variety of subjects pertaining to the statute of limitations for the recovery of damages within a two-year period. But according to ***Alabama Code 6-2-3,*** titled; accrual of claim-fraud, which states, in actions seeking relief on the grounds of fraud where the statute has created a bar, the claim must not be considered as having accrued until the discovery by the aggrieved party of the fact constituting the fraud, after which he must have two years within which to prosecute his action. The statute of limitations as to the recovery of consequential damages begins to run when the damages accrues and not from the date of the act causing the damage. *Corona Coal Co. v. Hendon 213 Ala. 104 So. 799 (Ala. 1925).* The Respondents-Appellees, were purposefully and willingly providing false and perjurious information to the Trial Courts, by asserting that Petitioner's-Appellant's, action should be dismissed on the grounds of failure to state a claim and the expiration of the statute of limitations,

while knowing for a fact that Petitioner-Appellant, filed an irrefutable factual complaint with thirty plus supporting exhibits, in which most of those documents are falsified and fabricated government documents from Respondents-Appellees, yet they alleged that Petitioner-Appellant, failed to state a claim but refuse to respond to the summons and complaint. Pursuant to ***Alabama Rule of Civil Procedure (ARCP) 12(a),*** which asserts, a defendant shall serve an answer within thirty (30) days after service of the summons and complaint upon that defendant except when service is made by publication and a different time is prescribed under applicable procedure. And further ***ARCP 55(a),*** titled; entry; and it states, when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and the fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default. Petitioner-Appellant entered a request for entry of default on January 20, 2023, but the ALCC, Clerk failed to comply with above-stated rule, which clearly stated that, "when the party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend" so here the Respondents-Appellees, did not comply but instead filed a motion to dismiss on January 20, 2023. According to the legal definition for motions, it means, a written or oral application made to a court or judge to obtain a ruling or order directing that some act be done in favor of the applicant. The legal definition for pleadings is as follows: The formal presentation of claims and defenses by parties to a lawsuit. The

specific papers by which allegations of parties to a lawsuit are presented in proper form, specifically the complaint of a plaintiff and the answer of a defendant. And further pursuant to ***ARCP 7(a),*** titled; pleadings; which states, there shall be a complaint and an answer; reply to a counterclaim denominated as such. The above-mentioned rule does not give the Respondents-Appellees, the option to file a motion, it clearly states that there is a complaint and a response, so since the Respondents-Appellees, refused to comply with the law, then they have no legal grounds to continue in this action, because no response or defense was effectuated, thereby affirming and admitting that all Petitioner-Appellant, allegations are true. So, it is comprehensible that motions and pleadings are two distinct court actions, that serves different functions and since the Respondents-Appellees, failed to comply with the rules of the Court and was attempting to request the complaint be dismissed for failure to state a claim, then the ALCC, Clerk should have entered default as required by the ***ARCP 55(a).*** There are three main requirements for failure to state a claim and they are as follows: ***(1) Petitioner failed to offer an example of legal activities. (2) Petitioner failed to provided evidence to prove that the*** **Respondents-*Appellees violated the law. (3) Petitioner's lawsuit has no measurable injury indicated in the action.*** The Respondents-Appellees, were arguing that Petitioner's-Appellant's, allegations or causes of actions are over twenty years old and failed to meet the statute of limitation requirements of ***Alabama Code 6-2-38,***

but according to ***Alabama Code 6-2-32,*** titled; commencement of action-twenty years, which asserts, within 20 years, actions upon a judgment or decree of any court of this state, of the United States, or of any state or territory of the United States must be commenced. On February 1, 2012, Florida DHSMV, provided Petitioner-Appellant, with a falsified and fabricated government document that contained a fictitious court default judgment issued against Petitioner-Appellant, on August 5, 1989, ***(See E-4, comp.),*** and since this was an illegal process the Florida DHSMV, did not officially file any of that false information into their records, so in the year of 1994 Petitioner-Appellant, was released from prison and obtained driver license from Alabama without any problems and maintained them without any motor vehicles violations up until the renewal date, which was in July of 1998. In that same year Alabama and Florida DMV, conspired to place an illegal hold on Petitioner's-Appellant's driver license for twenty years without them being suspended, revoked or cancelled, which are the only three legal ways that driver's privileges can be excluded. And due to the spurious default judgment being officially implemented on July 16, 1998, and a hold placed on Petitioner's-Appellant's, driver license, this would be the starting point for the twenty year action on a judgment or decree or it also can be February 1, 2012, which was the official time period that the Respondents-Appellees, falsified and fabricated government documents and provided them to Petitioner-Appellant, so either of the afore-mentioned time periods would be proper to apply ***Alabama Code 6-2-***

32, which asserts, within twenty years, actions upon a judgment or decree of any court of this state, of the United States, or of any state or territory of the United States must be commenced. The above rule eliminates any possibility for the Respondents-Appellees, to use the defense of the expiration of the statute of limitations because the whole illegal scheme of confiscating Petitioner's-Appellant's, driver license was built on a fictitious court's default judgment, which would have had a twenty-year time limit. In considering whether to give preclusive effect to state court judgment under res judicata or collateral estoppel, the federal court must apply the rendering state's law of preclusion. *Cmty State Bank v Strong 651 F 3d 1241 (11th Cir. 2011).* The elements of res judicata in compliance with Alabama law are (1) prior judgment rendered by court of competent jurisdiction; (2) prior judgment rendered on the merits; (3) parties to both suits substantially identical; (4) same cause of action presented in both suits. *Campbell v. Campbell 561 So. 2d 1060 Ala. 1990), Hughes v. Allenstein 514 So. 2d 858, 860 (Ala. 1987), Wheeler v. First Alabama Bank of Birmingham 364 So. 2d 1190 (Ala. 1978).* All the cases cited by the Respondents-Appellees, in their motion to dismiss failed to comply with or support Florida laws, particularly, ***Florida Rule of Civil Procedure (FRCP) 1,540(b),*** titled; mistake; inadvertence; excusable neglect; newly discovered evidence; fraud etc., and it asserts, on motion and upon such terms as are just, the court may relieve a party or party's legal representative from final judgment, decree, order, or proceedings for the following

reasons: (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party. The above Florida rule clearly states that the Court may relieve any party from final judgment due to fraud, and that include actions before and during the civil proceedings and since the Petitioner-Appellant, provided the Trial Courts with overwhelming evidence in the form of exhibits, which showed and proved that the Respondents-Appellees, committed fraud throughout the twenty-year period of time of illegally seizing Petitioner's-Appellant's, driver license, and this should have forced the Trial Courts to demand the Respondents-Appellees, to respond to the complaint. And further the Respondents-Appellees, fraudulently gave perjurious testimony and provided the Trial Courts with false and fabricated documents, in which Petitioner-Appellant, point out all those misdeeds to the Court, which should have immediately elicited a proper response from the Trial Courts to order an evidentiary hearing or the discovery process, but no such action was ever taken, but rather the complaint was dismissed and affirmed on the grounds of sovereign immunity, failure to state a claim, res judicata and expiration of the statute of limitations, which are complex litigation issues and procedural matters, not substantive, that could not or were not resolved in the those particular Courts under the pre-existing jurisdictional conditions. According to ***Alabama Code 6-2-3,*** which states, if action is grounded on fraud whereby the statute has created a bar, the claim must not be considered as having accrued until the

discovery by the aggrieved party of the fact constituting the fraud; and this same language is conveyed in ***FRCP 1.540(b).*** which means that the Trial Courts were required to implement the discovery process once fraudulent conduct was exposed.

What is the origin and civil purpose of res judicata?

Res Judicata means, adjudged, decided or the matter before the court has already been resolved. First the res judicata concept is not a law and it is rooted in the ***U.S. Constitution 7th Amendment,*** which states, in suits at common law, where the value in controversy shall exceed twenty dollars the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise reexamined in any court in the United States, that according to the rules of common law. Therefore, based on the above constitutional law no court has legal authority to dismiss any case utilizing the res judicata doctrine because no legal action is final unless it has been tried by jury and even those type of cases can be retried for defects in the process. The Respondents-Appellees have failed to demonstrate or explain how res judicata applies to county and state courts because the principle idea originated from the seventh amendment of the U.S. Constitution, which clearly declares that no facts tried by jury, shall be otherwise reexamined in any court in the United States, consequently res judicata cannot be employed due to the lack of a jury final decision or a federal competent court's judgment.

What is concurrent jurisdiction?

Concurrent jurisdiction is the ability to exercise judicial review by different courts at the same time, within the same territory, and over the same subject matter. The question must be asked what would be the purpose of concurrent jurisdiction, if res judicata was a reality and legally logical? In fact, Petitioner-Appellant, have been utilizing that concept since the inception of these proceedings and not one court has ever legally dismissed those cases based on res judicata nor has the issue been raised by any court or opposing parties with validity, due to the fact that the Respondents-Appellees, have not met the federal prerequisites of res judicata, such as; a judicial decision by a proficient court or tribunal. Why would a requirement be that a court be proficient, unless all legally savvy officials know for a fact that all courts are not skilled or competent, so with that fact there is no need to argue for or against res judicata because incompetent decision are never final. And secondly every court mentioned in the Respondent's-Appellee's, motion to dismiss has dissolved Petitioner's-Appellant's, complaint based on procedural grounds and not substantive matters, which means, the judgment was not final, or binding and the decision wasn't based on the merits of the case thereby, failed to provide a fair hearing or trial. And further the Respondents-Appellees, failed to meet the Alabama required elements of res judicata, so the Respondents-Appellees, have no legal grounds to pursue the assertions of their defensive argument.

Whether the Trial Court abused its discretion in refusing to review or examine the complaint and all the accompanying exhibits within the four corners limits and the failure to establish the burden of proof to resolve the Court's jurisdictional question?

In the ALCC, order dated February 27, 2023, granting the dismissal of Petitioner's-Appellant's, complaint, the ALCC, failed to give any reason or explanation for such an action therefore, Petitioner-Appellant, can only assume that the Court was in full agreement with the Respondent's-Appellee's, legal argument and defenses, so, consequently when Petitioner-Appellant, point out the defects in the defensive elements of the opposing party, it will be synonymous with the Trial Courts decisions. It asserted that Petitioner's-Appellant's, initial complaints did not meet the threshold pleading requirement standard, without identifying the specific areas where the alleged deficiencies occurred. If the Trial Courts was genuine in their argument that Petitioner-Appellant, failed to state a claim, failed to meet the expiration date of the statute of limitations, violated res judicata and sovereign immunity, the Trial Courts should have accepted the truthfulness of the complaint and ruled on the merits of the factual allegations in the action and utilized the supporting evidence because the Respondents-Appellees, quoted case law declaring that a pro se litigant pleadings are held to a less stringent standard than pleadings drafted by lawyer, so that standard should have been implemented. In

Petitioner's-Appellant's, sincere effort to comply with the Court's rules it should have forced the Trial Courts to render a more lenient judgment than it did, but the question must be asked, what is the basis for all the Trial Courts decisions? Petitioner-Appellant, filed a 20-page complaint with 32 complex and supportive exhibits, into the Alabama District Court (ALDC), in December of 2022, and within less than a two-week period of time the ALDC, transferred the case to the Alabama Circuit Court (ALCC), which in turn arrived at a convoluted narrative that defies legal interpretations and with all the factual evidence presented to the ALCC, it still claimed that Petitioner-Appellant, failed to state a claim.

Trial Court failed to meet the burden of proof requirements to refute Petitioner's allegations.

Petitioner-Appellant, alleged that on September 5, 1989, the Respondents-Appellees, conspired with an unknown attorney to falsify government records and use an illegal document "(default judgment)" to commit intra-interstate crimes ***(See E-4, comp.),*** Then the Respondents-Appellees, conspired with Alabama DMV to fabricate a false government email to try and justify the illegal hold placed on Petitioner's-Appellant's, drive license ***(See E-8, comp.),*** and further the Respondents-Appellees, fabricated another government document, where they refused to investigate all the crimes committed against Petitioner-Appellant, for over twenty years ***(See E-12, comp.),*** then the

Respondents-Appellees 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 E-13, comp.).*** Then the Respondents-Appellees, 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 E-14, comp.),*** and further Petitioner-Appellant, received a driver's history printout from Alabama DMV, dated December 23, 2020, ***(See E-17, comp.),*** then Petitioner-Appellant, received a driver's record transcript dated January 11, 2021, from Florida DHSMV, ***(See E-18, comp.),*** Petitioner-Appellant, then received a driver's record from Florida DHSMV, dated March 29, 2021, ***(See E-19, comp.),*** and as mentioned earlier Petitioner-Appellant, received a driver record printout from Florida DHSMV, dated August 31, 2018, ***(See E-14, comp.).*** The Trial Courts 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, clarified his complaint and warned the Trial Courts of their unjust conduct and informed the Court that the exhibits needed careful examination and the complaint should be seriously studied to extract the facts and apply them to the Court's final decisions, yet the Trial Courts ignored the advice of Petitioner-Appellant, and illegally dismissed and affirmed the case

without proper justification are without reporting the criminal activities of the Respondents-Appellees, to the proper authorities as required by ***18 U.S.C. § 4.***

The Trial Courts final decisions was based on insufficient evidence.

According to ***18 U.S.C. § 2266(2),*** titled; definitions; the term course of conduct, means, a pattern of conduct composed of two or more acts, evidencing a continuity of purpose. And according to ***18 U.S.C. 1514(d)(1),*** the term course of conduct, means, a series of acts over a period of time, however short, indicating a continuity of purpose. The aim of the continuous wrong doctrine, serves to toll the running of a period of limitations to the date of the commission of the last wrongful act and may only be predicated on the continuing unlawful acts and not on the effect of earlier unlawful conduct. Both, the course of conduct and the continuous doctrine is based on the concept that an unlawful act is incessant and therefore eliminate any possible uses of the Respondent's-Appellee's, claim of the expiration of the statute of limitation and Petitioner-Appellant, will provide evidence to prove that the crimes have been in progress since September 5, 1989, and the following information will support that allegation: (1) The Respondents-Appellees, conspired with Florida DHSMV, and a unknown lawyer on September 5, 1989, to falsify and fabricate government document and then use an illegal default judgment to commit intra-interstate crimes

to deprive Petitioner-Appellant, of his driver's privileges. Then on July 16, 1998, the Respondents-Appellee's, corrupted scheme went into full effect by placing an illegal hold on Petitioner's-Appellant's, driver license for over twenty years and then manufactured a fraudulent government document issued to Petitioner-Appellant, on February 1, 2012, which displayed the fictitious default judgment, which proves that the course of conduct and the continuous wrong laws apply in this instance because Petitioner-Appellant, never received any other documents from the Respondents-Appellees, containing that information ***(See E-4, comp.);*** (2) Petitioner-Appellant, received a concocted email from ALEA, DLD, Chief, conspiring with Florida DHSMV, attempting to invent a narrative to justify placing the illegal hold on Petitioner's-Appellant's, driver license for twenty years, by alleging that an error occurred when Petitioner's-Appellant's, Alabama driver license was reported suspended and his Florida I.D. card was shown as expired, when neither is true and Alabama or Florida DMV can't produce any documentation showing Petitioner-Appellant, had a Alabama driver license and Florida I.D. card at the same time in the year of 1998, nor can they prove that Petitioner-Appellant's, driver license or identification card was ever suspended, revoked, cancelled or expired ***(See E-8, comp.);*** (3) Petitioner-Appellant, received a fabricated government letter from Florida DHSMV, Inspector General dated July 27, 2018, acknowledging the reception of Petitioner's-Appellant's, complaint and supporting evidence and it further stated

that their office reviewed all the information and determined that the issue would best be handle by the perpetrator of the crimes, which was Florida DHSMV, Motorist Services (MS), so here the Inspector General refused to investigate the criminal actions and report them to the proper authorities ***(See E-12, comp.);*** (4) Petitioner-Appellant, received a falsified government letter dated August 31, 2018, from the Florida DHSMV, (MS), alleging the same occurrence that the ALEA, DLD, Chief asserted in her email, which was, an error transpired when Petitioner's-Appellant's, driver history was updated and the system indicated that his I.D. card had been cancelled, when it only had expired ***(See E-13, comp.).*** The above statement by Florida DHSMV, (MS), is proof positive of an ongoing conspiracy and fraud because Petitioner-Appellant, never lived in Florida in the year of 1998, and only moved there in the early part of the year 2000 and received a driver license from that state on May 10, 2019, so there was no driver license history to update, and the following documents will show and prove that Petitioner's-Appellant's, driver license or I.D. card was never suspended, revoked, cancelled or expired. The Respondents-Appellees sent Petitioner-Appellant, false and fabricated government documents filled with misinformation relating to his driver license and I.D. card, which indicated that neither was ever suspended, cancelled, revoked or expired and Petitioner-Appellant, will demonstrate that fact with the following documents. [a] Petitioner-Appellant, received a false and fabricated driver's history printout document from the Florida DHSMV,

dated August 31, 2018, ***(See E-14, comp.);*** [b] Petitioner-Appellant, obtained a false government driver's record printout from Florida DHSMV, dated March 29, 2021, ***(See E-19, comp.);*** [c] On January 11, 2021, Petitioner-Appellant, acquired a fallacious government transcript of his driver's record from Florida DHSMV, ***(See E-18, comp.);*** [d] And finally Petitioner-Appellant requested a life time history of his driver's license from ALEA, DLD, who provided a falsified government document dated December 23, 2020, ***(See E-17, comp.)***. None of the afore-mentioned document show that Petitioner-Appellant's I.D. card or driver license were ever suspended, revoked, cancelled or expired as alleged by both Florida DHSMV, (MS), letter date August 31, 2018, ***(See E-13, comp.)***, or the ALEA, DLD, Chief email dated June 26, 2018, ***(See E-8, comp.).*** All the above-stated exhibits show and prove that the Respondent's-Appellee's argument pertaining to the expiration of the statute of limitations are futile because they demonstrate a course of conduct of continuous wrong and the unwillingness to cease and desist from criminal activities.

The application of sovereign immunity was impractical for this action.

When crimes occur in multiple states, the dual sovereignty or multiple jurisdiction principle is applied, which means, a group of states may separately prosecute a defendant for the same conduct without violating the fifth amendment double jeopardy clause. Therefore,

pursuant to ***Florida Statute (F.S.) 768.28(1),*** which asserts, for itself and for its agencies or subdivisions, hereby waives, sovereign immunity for liability for torts, only to the extent specified in this act. This Florida statute permits civil actions to be filed against the state, agencies, officials or any person or entity found in cahoots with the violators and are subject to the enforcement of that statute and the claim of sovereign immunity does not give protection for interstate criminal activities. Both Alabama and Florida DMV, conspired to illegally place a hold on Petitioner's-Appellant's driver license and then fabricated government documents to cover up their misdeeds. Therefore, based on ***Alabama Constitution (AL Const) Art. 1 § 10***, titled; right to prosecute civil cause; which asserts, that no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party. The above-quoted law clearly states that no person shall be barred from prosecuting or defending before any court and bring any civil matter to which he is a party, which is insinuating that no person is above the law. According to ***AL Const. Art. 1 § 14,*** titled; state not to be made a defendant, which asserts, that the state of Alabama shall never be made a defendant in any court of law or equity. On the surface, it appears that both the above-stated laws contradict one another but a close examination demonstrates that they have two distinct purposes, that is, section ten identify the action of an individual, but section fourteen distinguishes the function of an entity, so this implies that the state as a whole, may not be sued but its

parts can be civilly liable for misconduct under certain circumstances. Pursuant to ***Alabama Code § 36-1-12(d)(1)(2),*** titled; public officers and employees and sovereign immunity, which pertains specifically to education officials, but it generally applies to all Alabama state public officers and employees. The Respondents-Appellees violated several U.S. Constitutional and federal statutes by them fabricating and falsifying government documents and then conspiring to cover up the crimes by sending that information to Petitioner-Appellant, the Courts and other entities, thereby contravening wire and mail fraud laws, which are interstate crimes that nullify sovereign immunity that a state may have under its own laws. First, the Respondents-Appellees criminal conduct breached the ***U.S. Constitution Art. 1 § 8 clause 3,*** titled; commerce clause, which states, the congress shall have power, to regulate commerce with foreign nations, and among the several states, and the Indian tribes, and when applying the dormant clause doctrine, which has the function of preventing the protectionist state policies that favor citizen or businesses at the expense of non-citizens conducting business within that state. The purchase of state driver license is a business and contractual transaction with the state government and the denial of such activities violates Petitioner's-Appellant's U.S. Constitutional rights to do business within and with the state, which means, sovereign immunity rights do not supersede commerce activities rights.

The Alabama Supreme Court failed to answer the question of the proper jurisdiction for this action.

This action was transferred twice in the same proceedings by the Alabama Court System and Petitioner-Appellant believes no such situation has ever occurred in that state before, which proves there is a conflict within the Alabama Court System because a lower and higher court asserted, they lacked jurisdiction, and a lower and higher court tried the case and refused to give justification or an explanation for their decisions. In December of 2022, Petitioner-Appellant filed this action into Montgomery, Alabama District Court (ALDC) and on December 8, 2022, that Court transferred the matter to Alabama Circuit Court (ALCC), in pursuant to ***Code of Alabama (COA) 6-3-21.1***, which asserts, with respect to civil actions filed in an appropriate venue, any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer any civil action or any claim in any civil action to any court of general jurisdiction in which the action might have been properly filed and the case shall proceed as though originally filed therein. Petitioner-Appellant must state the fact that this matter was transferred to higher courts each time, which meant no lower court had authority to adjudicate the case, which violated the ***U.S. Constitution 1st Amendment***, which asserts, congress shall make no laws, abridging the freedom of speech, or of the press, and to petition the government for redress of grievances. Pursuant to ***Alabama Constitution Art. 1 § 10,***

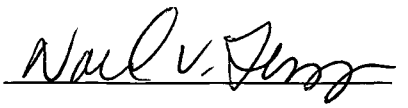
which states, no person shall be barred from prosecuting of defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party. By the Trial Courts granting the Respondent's-Appellee's motion to dismiss and affirming such, they conflicted with the following state laws: Motion to dismiss only encompasses the determination of whether the pleading states a claim upon which relief can be granted and matters outside the pleadings should not be considered in deciding whether to grant a Rule 12(b)(6) motion. *Briggs v. Woodfin 395 So. 2d 1024 (Ala. Civ. App. 1981).* In the event matters outside the pleadings are called to the attention of the trial court, as in this instance, the trial court should treat the Rule 12(b)(6) motion as one for summary judgment under Rule 56 and proceed accordingly. *Hales v. First National Bank of Mobile. Ala. 380 So. 2d 797 (Ala. 1980).* The Trial Courts granted the Respondent's-Appellee's motion to dismiss based on the legal arguments of failure to state a claim, res judicata, sovereign immunity and the expiration of the statute of limitations, which are all procedural issues and matters outside the four corners of the pleading and proves that the Alabama Court System was not qualified and authorized to adjudicate this matter.

CONCLUSION

For the foregoing reasons, Petitioner, Noel Vincent Thomas respectfully request that the Trial Court's order denying Appellant's application for rehearing and brief in support of application and the

affirmative of the dismissal of this action be reversed and this case be remanded for adjudication on the merits.

Respectfully Submitted



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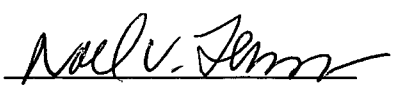
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 21, 2024, a true and correct copy of the foregoing was delivered by way of U.S. mail to the listed person and address below.

D Michelle Cone

201 S. Union Street, Ste. 300

Montgomery, Alabama 36104



Noel Vincent Thomas