

SUPREME COURT TENTH COPY

WRIT OF MANDAMUS

APPENDIX A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEANDRE ARNOLD, also on behalf of
Plaintiff T.A. as next of kin,

Plaintiffs,

v.

Case No. 8:23-cv-2708-TPB-TGW

TYARIELLE PATTERSON,

Defendant.

ORDER DISMISSING CASE

This matter is before the Court *sua sponte* on the complaint, filed *pro se* on December 4, 2023. (Doc. 1). After reviewing the complaint, court file, and the record, the Court finds as follows:

This case is related to an ongoing child custody dispute and case currently pending in the Sixth Judicial Circuit in and for Pinellas County, Florida. As explained below, this matter does not belong in federal court.

Plaintiff Deandre Arnold filed this suit, on behalf of his minor child and himself, against the mother of his child. The complaint is lengthy and rambling, but it appears that the instant lawsuit is related to an ongoing custody dispute in the Sixth Judicial Circuit in and for Pinellas County, Florida. According to Plaintiff, on December 13, 2017, the state court entered a custody order and child support order. Plaintiff alleges that since the entry of the support order, Defendant has used enforcement of the order to "blackmail and extort" Plaintiff in an effort to avoid potential liability for Plaintiff's allegations of interference with parenting time. Specifically, Plaintiff claims that for the

last five years, whenever he complains that Defendant is interfering with his parenting time, Defendant has used the court-ordered child support in a scheme to maliciously threaten Plaintiff through sudden contempt filings with the state court that carry the threat of incarceration. Plaintiff brings claims for intentional infliction of emotional distress, breach of fiduciary duty, and punitive damages. He seeks both compensatory damages for the alleged interference with Plaintiff's parenting time and for intentional infliction of emotional distress, along with punitive damages.

Plaintiff's complaint suffers from a number of critical defects. First, the complaint appears to possibly take issue with state court rulings, orders, and judgments, including a parenting plan implemented and enforced by the state court and contempt proceedings. His claims are therefore likely barred by the *Rooker-Feldman* doctrine because he essentially seeks review of state court proceedings and rulings. "It is well-settled that a federal district court lacks jurisdiction to review, reverse, or invalidate a final state court decision." *Dale v. Moore*, 121 F.3d 624, 626 (11th Cir. 1997) (citations omitted). This jurisdictional bar "extends not only to constitutional claims presented or adjudicated by a state court, but also to claims that are 'inextricably intertwined' with a state court judgment." *Incorvaia v. Incorvaia*, 154 F. App'x 127, 128 (11th Cir. 2005) (quoting *Goodman ex. rel Goodman v. Sipos*, 259 F. 3d 1327, 1332 (11th Cir. 2001)).

Second, to the extent that Plaintiff is asking the Court to intervene in an ongoing state court proceeding, the Court would abstain from doing so under the *Younger* abstention doctrine.¹ Under the *Younger* abstention doctrine, "federal courts ordinarily

¹ 401 U.S. 37 (1971) (holding that a federal court should decline to intervene in a state criminal prosecution absent a showing of bad faith, harassment, or a patently invalid state statute).

must refrain from deciding the merits of a case when (1) there is a pending state judicial proceeding; (2) the proceeding implicates important state interests; and (3) the parties have an adequate opportunity to raise any constitutional claims in the state proceeding.”

See Newsome v. Broward Cty. Pub. Defenders, 304 F. App’x 814, 816 (11th Cir. 2008) (citing *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982)).

Upon consideration of these factors, the Court finds that abstention is warranted to the extent that any of the state court proceedings referenced in the complaint remain active and pending. The Court notes that it appears the parenting plan remains in effect and is being enforced by the state court, and if Plaintiff believes that Defendant is interfering with or obstructing the plan, he may raise those claims in the state proceeding.

Perhaps most importantly, this action appears to fall squarely within the domestic relations exception to federal court jurisdiction. *See Moussignac v. Ga. Dep’t of Human Res.*, 139 F. App’x 161, 162 (11th Cir. 2005) (“The federal judiciary has traditionally abstained from deciding cases concerning domestic relations. As a result, federal courts generally dismiss cases involving divorce and alimony, child custody, visitation rights, establishment of paternity, child support, and enforcement of separation or divorce decrees still subject to state court modification.”); *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (the subject of domestic relations belongs to the States); *Cox v. 10th Judicial Circuit*, 8:22-cv-75-CEH-JSS, 2022 WL 1005279, at *1-2 (M.D. Fla. Mar. 10, 2022) (explaining domestic relations exception and recommending dismissal of complaint related to parenting plan), *report and recommendation adopted*, 2022 WL 1001498 (M.D. Fla. Apr. 4, 2022); *Weiner v. Campbell*, No. 8:16-cv-3412-T-36TGW, 2016 WL 7708540, at *3 (M.D. Fla. Dec. 22, 2016) (noting that “federal courts lack jurisdiction to determine

issues of parental time-sharing" and recommending dismissal of the complaint), *report and recommendation adopted*, 2017 WL 89076 (M.D. Fla. Jan. 10, 2017).

For all of the different reasons discussed above, this action is dismissed for lack of subject matter jurisdiction. Courts possess authority to *sua sponte* dismiss an action but are generally required to provide a plaintiff with notice of the intent to dismiss and give them an opportunity to respond. *Quire v. Smith*, No. 21-10473, 2021 WL 3238806, at *1 (11th Cir. July 30, 2021) (citing *Tazoe v. Airbus S.A.S.*, 631 F.3d 1321, 1336 (11th Cir. 2011)). "An exception to this requirement exists, however, when amending the complaint would be futile, or when the complaint is patently frivolous." *Id.* (citing *Tazoe*, 631 F.3d at 1336). Because amendment would be futile, the case is dismissed without leave to amend.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The complaint (Doc. 1) is **DISMISSED**, without leave to amend.
- (2) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 19th day of December, 2023.



TOM BARBER
UNITED STATES DISTRICT JUDGE

APPENDIX B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEANDRE ARNOLD, also on behalf of
Plaintiff T.A. as next of kin,

Plaintiffs,

v.

Case No. 8:23-cv-2708-TPB-TGW

TYARIELLE PATTERSON,

Defendant.

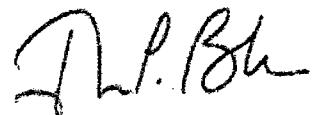
**ORDER DENYING PLAINTIFF'S CONSTRUED MOTION
TO PROCEED ON APPEAL WITHOUT COSTS**

This matter is before the Court on Plaintiff Deandre Arnold's *pro se* construed motion to proceed on appeal without costs. (Doc. 11).

Under certain circumstances, a party may proceed *in forma pauperis* in federal court pursuant to 28 U.S.C. § 1915, which authorizes any court of the United States to allow indigent persons to prosecute, defend, or appeal suits without prepayment of costs. *See, e.g.*, 28 U.S.C. § 1915; *Coppedge v. United States*, 369 U.S. 438, 441 (1962). However, a party may not proceed on appeal *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith requires that the appeal present a nonfrivolous question for review. *Cruz v. Hauck*, 404 U.S. 59, 62 (1971). If the plaintiff has little or no chance of success, an appeal is frivolous. *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). An appeal is also frivolous when it is "without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Plaintiff's construed motion to appeal without costs fails to establish the existence of a reasoned, nonfrivolous argument raised on appeal. In fact, the motion does not present *any* issues that Plaintiff intends to present on appeal as required by Fed. R. App. P. 24(a)(1)(C). The motion to proceed without costs on appeal (Doc. 11) is denied.

DONE and ORDERED in Chambers in Tampa, Florida, this 23rd of January, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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

David J. Smith
Clerk of Court

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

June 25, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-10188-F
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:23-cv-02708-TPB-TGW

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10188

DEANDRE ARNOLD,
on behalf of T.A. as next of kin,

Plaintiff-Appellant,

versus

TYARIELLE PATTERSON,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cv-02708-TPB-TGW

ORDER:

Deandre Arnold filed a *pro se* complaint against Tyarielle Patterson, stemming from child custody proceedings pending in Florida. The complaint alleged that Arnold and Patterson were the parents of a minor child and that a Florida state court had entered custody and child support orders related to their child. Arnold asserted that, for the past five years, after he would complain that Patterson was hindering his parenting time with their child, Patterson would counter by seeking enforcement of the child-support order due to his alleged failure to make the payments. He purported to bring state-law claims of intentional infliction of emotional distress and breach of fiduciary duty.

The district court dismissed the complaint, finding that it fell within the domestic relations exception to federal court jurisdiction. It thus dismissed the complaint for lack of subject matter jurisdiction without leave to amend, explaining that any amendment would be futile.

Arnold appealed, and now moves this Court for leave to proceed *in forma pauperis* ("IFP"). Because Arnold seeks leave to proceed IFP, his appeal is subject to a frivolity determination. *See* 28 U.S.C. § 1915(e)(2)(B). An action "is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Here, Arnold does not have any non-frivolous arguments on appeal. *See id.* The district court properly concluded that his complaint fell within the domestic relations exception to diversity jurisdiction, as Arnold's claims stemmed from the custody and

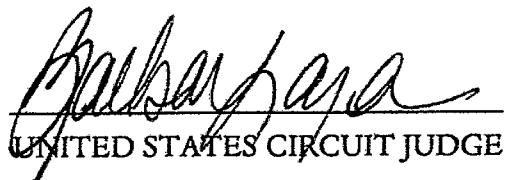
24-10188

Order of the Court

3

child-support orders relating to their child, an area from which federal courts should generally abstain. *See Ingram v. Hayes*, 866 F.2d 368, 389 (11th Cir. 1988) (stating that "federal courts generally dismiss cases involving divorce and alimony, child custody, visitation rights, establishment of paternity, child support, and enforcement of separation or divorce decrees still subject to state modification."). Arnold's allegations contend that Patterson utilized these orders to prevent Arnold from parenting their child, and a determination of these claims would necessarily implicate the enforcement of these orders.

Accordingly, Arnold's motion for leave to proceed IFF is DENIED.



Barbara Hayes
UNITED STATES CIRCUIT JUDGE

APPENDIX D

Case No. 24-10188

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

**DEANDRE ARNOLD et al.,
Appellant**

v.

**TYARIELLE PATTERSON,
Appellee.**

On Appeal from the United States District Court for the Middle District of Florida,
Tampa Division, Civil Action No. 8:23-cv-02708 Doc. 8

**EMERGENCY MOTION TO DISQUALIFY CIRCUIT JUDGE BARBARA
LAGOA**

Deandre Arnold
Mailing: c/o Attn: Mr. Arnold
740 Lovvron Rd. Apt B6
Carrollton Georgia 30117
Email: Dresmailbox89@gmail.com
Telephone: 470-514-3097

Pro Se Appellant

Certificate of Interested Persons
Corporate Disclosure Statement

The name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in a party to this action or in the outcome of this action, including subsidiaries, conglomerates, affiliates, parent corporations, publicly traded companies that own 10% or more of a party's stock, and all other identifiable legal entities related to a party:

1. THE 370 CITY AND/OR MUNICIPAL COURTS IN THE STATE OF GEORGIA.
2. THE CITY OF HAMPTON.
3. WAYNE JERNIGAN, City of Hampton Municipal Court Judge.
4. OTANYA CLARKE, City of Hampton Solicitor.
5. MARTY MATTHEWS, Judicial Alternatives Of Georgia ("J.A.G.")
Probation Officer.
6. JAG CEO JEFFREY TAYLOR.
7. JUDICIAL ALTERNATIVES OF GEORGIA LLC.
8. BRIAN AMERO, Henry County Superior Court Judge.
9. GLORIA BANISTER, Henry County Superior Court Clerk.
10. WILLIAM T. SIMMONS, 6th Judicial Circuit court administrator.

11. DANNA YU, Brian Amero's legal assistant.
12. SUZETTE GRAY, Brian Amero's judicial assistant.
13. MELINDA O'NEILL, Henry County Superior Court clerk.
14. THE GEORGIA OFFICE OF THE ATTORNEY GENERAL.
15. WRIGHT BANKS, General Deputy Chief Assistant of the Office of Georgia Attorney General.
16. CALANDRA HARPS, Assistant District Attorney of the Office of Georgia Attorney General.
17. REGINA M. QUICK, General Counsel for the Georgia Department of Human Services.
18. GEORGIA DEPARTMENT OF HUMAN SERVICES.
19. THE UNITED POSTAL SERVICE ("U.P.S.").
20. THE GEORGIA STATE INSPECTOR GENERAL'S OFFICE.
21. BELINDA EDWARDS, Fulton County Superior Court Judge.
22. SARAH GERAGHTY, Georgia Federal District Judge Atlanta Division.
23. JEAN-PAUL BOULEE, Georgia Federal District Judge Atlanta Division.
24. JILL A. PRYOR, Eleventh Circuit Federal Judge.
25. ADALBERTO JORDAN, Eleventh Circuit Federal Judge.
26. STEPHEN DILLARD, Georgia Appellate Court Judge.
27. AMANDA MERCIER, Georgia Appellate Court Judge.

28. TODD MARKLE, Georgia Appellate Court Judge.
29. TABATHA COOPER, Georgia Appellate Court Clerk.
30. CHARLES BORING, Former Director Of Georgia's Judicial Qualifications Commission.
31. GEORGIA'S JUDICIAL QUALIFICATIONS COMMISSION.
32. THE HILLSBOROUGH COUNTY SHERIFF'S OFFICE.
33. MARTHA CONCILIO, Hillsborough County Court of Clerk.
34. THOMAS WILSON, Florida Magistrate Judge Tampa Division.
35. THOMAS P. BARBER, Florida District Judge Tampa Division.

I hereby certify that the entity United Postal Service, stock ticker "UPS" who is a publicly traded company or corporation has or may have an interest or will be affected by the outcome of the proceedings. There is no entity which is likely to be an active participant in the proceedings, including debtors and members of the creditors' committee. Deandre Arnold is the name of the victim alleged to have done wrongful and requires restitution.

APPELLANT'S MOTION TO DISQUALIFY

Comes Now, Appellant, Deandre Arnold, and files this “Emergency Motion to Disqualify Circuit Juge Barbara Lagoa” and states good grounds as follows:

INTRODUCTION

Even Appellate court judges are “[P]resumed to know the law and apply it in making their decisions.” *Walton v. Arizona, 497 US 639 - Supreme Court (1990)* As such, Lagoa is presumed to know that the “[T]he Supreme Court has explained the difference between an assertion that is **frivolous** and an assertion that is wrong...

An assertion is not frivolous **unless** it lacks an arguable basis in either law or fact.”

Daker v. Commissioner, Ga Dept. of Corrections, 820 F. 3d 1278 (2016) Lagoa has denied Arnold pauper status on the grounds that this appeal is somehow frivolous and barred by the domestic relations exception. The problem is, Lagoa is not only presumed to know the law and how to apply it but has the experience to know that “[T]he [domestic relations] exception **does not apply** to a tort suit for intentional infliction of emotional distress). *See Drewes v. Ilnicki, 863 F. 2d 469 (CA6 1988)* citing *Ankenbrandt v. Richards, 504 US 689 – Supreme court (1992)*, in which no enforcement, issuance or modification of a state order is sought. The additional problem is, Lagoa cites an 11th Circuit case entered years prior to the case above. A question must be proposed. Why has Lagoa held this case as *frivolous* having the experience and presumed to know better? The facts below show clearly why.

Arnold asserts that Lagoa did so not only to deliberately obstruct and impede Justice, but that there is also probable cause that she has done so in furtherance of a broad criminal conspiracy of epic proportions, to commit murder in the utilization of the judicial branch to further said criminal goals, on these grounds an emergency exist. These facts can be proven by weighing Lagoa's experience and presumptions to know the law & what the law required in each instance on the one hand, **against** her acts contrary to the law and how it operated to obstruct Justice or further the scheme on the other. Arnold alleges that it is clear that Lagoa has her hands wide open as to the latter – obstructing Justice and, probable cause that she has done so in of a criminal conspiracy to commit murder against a United States Citizen.

In this Appeals court, when an IFP motion is filed, not only is the *benefit of briefing* delayed but the “appeal” and further review by the Supreme court is also delayed until the *district* or *appeals* court rules on the IFP motion. 11th Cir 31-1(b). When that motion is denied, a litigant is prevented or delayed from *proceeding* on appeal **without payment**. Whatever relief they are entitled to is delayed as a result of their economic status. Arnold asserts that Lagoa abandoned her experience, her oath and the law to do just that, delay delay delay. But what benefit is to be gained delaying this appeal? The Concealment of a *completed* felony – the deprivations of rights – by Judge Thomas Barber and protection of such Judge who dismissed the district court action from which this appeal arises, also as frivolous, and who too

has been assigned to three consecutive cases that affected or involved transactions or occurrences that directly or indirectly concerned allegations of a conspiracy to commit an assassination attempt against Mr. Arnold – and obstructed them all. Not only does this illicit delay **operate** to conceal a felony but is a trend of delays Arnold has experienced across multiple state and federal courts involving the same transactions/occurrences as stated above. Thus, probable cause exist that Lagoa's acts are to delay Arnold's claims in wait for an act made against Arnold's life.

As the possible prewritten order may assert to deny relief requested herein, it should be noted that the Supreme court did not rule that *all* court orders or rulings are not subject to disqualification, it stated that “[O]nly to such as is... wrongful or inappropriate,” [*Liteky v. United States, 510 US 540 – Supreme Court (1994)*] as “[W]ould prevent him from fairly and impartially conducting the trial,” *Berger v. United States, 255 US 22 – Supreme Court (1921)* No judge can be impartial while *obstructing justice* especially in furtherance of a clear conspiracy to commit murder because, “[T]he specific *intent* required for obstruction of justice under sections 1503... is that defendant must have acted “**corruptly**”... with the *purpose* of obstructing justice.” *U.S. v Laurins, 857 F. 2d 529 (9th Cir. 1988)* As such, because the facts show that Lagoa's 6/25/2024 order was entered with the requisite intent *to* obstruct justice and more, her order must be declared void, she must immediately disqualify and quite frankly, immediately resign to prevent harm to the public.

RELEVANT FACTUAL ALLEGATIONS

On 12/19/2023 Thomas Barber dismissed this action because of lack of subject matter jurisdiction. Barber alleged that, “[H]is claims are therefore *likely* barred by the Rooker-Feldman Doctrine... [because]... The complaint *appears* to possibly take issue with state court rulings. *Doc. 8. Pg. 2.* He further alleged that, “[*T*o the extent that Plaintiff is asking the Court to intervene in an ongoing state court proceedings, the Court would abstain from doing so under the Younger abstention doctrine.” *Doc. 8. Pg. 2.* Lastly, Barber dismissed the action because as he stated, it “[*A*ppears to fall squarely within the domestic relations exception to federal court jurisdiction.” *Doc. 8. Pg. 3.* At all times herein, the dismissal of this action by Thomas Barber was solely based on the “likelihood, appearance & the extent” the Rooker-Feldman Doctrine, the Younger Abstention Doctrine and the Domestic relations exception applied, **not that it did or ever applied.**

On 1/17/2024, Arnold filed a IFP motion to proceed on appeal without the payment of fees. On 1/23/2024, Thomas Barber denied Arnold’s IFP motion on the grounds that it was **frivolous**. This appeal here followed, docketed 1/19/2024.¹ Because Thomas Barber denied Arnold’s IFP motion, he had to await for the court of appeals to rule on his IFP motion. This being because pursuant to 11th Circuit Appellate Court Rules 31-1(b) it is required. See 11th Circuit Rule 31-1(b).

¹ Although the appeal was docketed on this date, the civil docketing notice in this case has a date of 1/25/2024.

On 2/6/2024, Arnold filed a Motion to proceed IFP in this court. [Doc. 7] On the same date, Arnold also filed an Appellate brief. [Doc. 6] - although no brief was required via paper or e-file until a ruling on his IFP motion occurred. See 11th Cir. R. 31-1(b). After more than three (3) months of delay (solely because Arnold was a pauper filer) he filed an emergency motion to expedite a ruling on his IFP motion and challenging 11th Circuit Rule 31-1 as unconstitutional as violating Arnold's rights to a fair trial by depriving him of the benefit of briefing and delaying his appeal until a ruling on his IFP motion occurred – as applied and facially. [Doc. 12] On 5/25/2024, Barber Lagoa enters a 3 page order in this case denying Arnold IFP status – stating as more fully stated below, that his appeal was frivolous.

Barbara Lagoa has ties to the State of Florida. She was appointed to FLA's third district court of appeal in 2006 and to that State's Supreme Court by Governor Ron Desantis. She was then appointed by President Trump to this office. Critics have expressed that several of her decisions in this court raised concerns that she would side with the wealthy and powerful in their opposing any consideration of Lagoa for a concerning "seat" on the U.S. Supreme court.² Lagoa too graduated with a Juris Doctor from Colombia law school in 1992. She has over 30 years legal experience and over 10 years' experience as a Judge with nearly 5 of those years' acting as an appellate court judge in this court. She also took an oath of office.

² (Alliance for Justice) [Https://afj.org/nominee/barbara-lagoa/](https://afj.org/nominee/barbara-lagoa/)

With that experience, Lagoa's three (3) page court order in this appeal stated as relevant herein, the following, to wit:

“The district court dismissed the complaint, finding that it fell within the domestic relations exception to federal court jurisdiction.. explaining that any amendment would be futile... Here, **Arnold does not have any non-frivolous arguments on appeal. The district court properly concluded that his complaint fell within the domestic relations exception to diversity jurisdiction, as Arnold's claims stemmed from the custody and child support orders relating to their child, an area from which federal courts should generally abstain.** *See Ingram v Hayes, 866 F. 2d 368, 389 (11th Cir. 1998)* (stating that “federal courts generally dismiss cases involving divorce and alimony, child custody, visitation rights, establishment of paternity, child support, and enforcement of... divorce decrees still subject to state modification.”). [Doc. 13-1, pg. 2-3] **[No time to pay the fee was displayed]**”

It took 123 days (four months, 2 days) from the time Thomas Barber denied his motion as frivolous in the district court until Barbara Lagoa decided to deny his IFP motion as *frivolous* in this court. On information and belief, the appropriate review of the denial of the IFP motion in this court may in fact be equivalent in time length. However, because Arnold was denied pauper's status, in order to *proceed* further on appeal he must now pay the filing \$605 filing fee. Without paying such filing fee, Arnold may not seek “review” of Thomas's Barber's order in the United States Supreme Court or under any panel or *en banc* in this court. Without paying the filing fee, Arnold is also restricted to the judge subject to this disqualification motion *if* she refuses to disqualify in Arnold's seeking of *en banc* relief in this action from her order. 11th Cir. R. 35-4.

On 6/28/2024, Barbara then denied Arnold's emergency motion to expedite ruling and challenging 11th Circuit Rule 31-1 as unconstitutional as MOOT. At this time, Arnold may not "proceed" further on appeal without payment of a filing fee that Barbara Lagoa knew and had reason to know that Arnold could not afford as a result of his filing a paupers affidavit in this action. At all times herein, Barbara knew and had reason to know that if she denied Arnold's IFP motion, she could delay his appeal from being considered by the Supreme court or by a panel or en banc in this court by conditioning his further appeal on the payment of a filing fee.

ARGUMENTS

"[T]o satisfy the requirements of Section 455(a), a party seeking recusal must offer facts, and not merely allegations, that evidence partiality." US v. Montemayor, Dist. Court ND No. 1:09-cr-00551-WSD-2 (2016) Further, "[S]ome extrajudicial matter is **neither a necessary** nor a sufficient condition under any of the recusal statutes." Liteky v. United States, 510 US 540 Supreme Court (1994) See Ante, at 554-55. If a belief exists that antagonism and partiality evidenced by a judicial ruling is not sufficient for disqualification **solely because it is a judicial ruling**, that belief must assert how an order rendered with the intent to obstruct Justice does not evidence the degree of favoritism or antagonism required even when no extrajudicial source is involved, especially in this court. Until the court can expressly allege arguable claims showing how, this motion cannot be denied.

The Supreme court has never held that ALL judicial rulings were not sufficient to disqualify a judge. “[W]e said in American Steel Barrel that the recusal statute “was never intended to enable a discontented litigant to oust a judge because of adverse rulings... **but to prevent his future action in the pending cause.**” *Id.* This appeal is still pending, payment. The Supreme court made clear that the only reason adverse rulings “alone” could not satisfy disqualification of a judge is because “[T]hey cannot possibly show reliance upon an extrajudicial source; and can only in the **rarest** circumstances evidence the degree of favoritism or antagonism required when no extrajudicial source is involved.” *Id.* Arnold thus argues that obstruction of Justice of a case and that appears to have its motives in probable cause of a conspiracy to commit murder are in fact rare circumstances evidencing a degree of favoritism or antagonism even no extrajudicial source is involved requiring disqualification. Because the *facts* show that this is indeed the case in this appeal, Lagoa must disqualify and quite frankly resign.

(i) Barbara Lagoa’s order shows antagonism, partiality and favoritism.

There must be a line between good faith judicial error and bad faith judicial conduct/rulings rendered with the “purpose” of obstructing Justice in difference to the law, rights and the constitution Judges swear to uphold. The line in which Ms. Lagoa sits is too easy to identify in this case. In fact, the dividing line can be seen by placing judicial rulings having an arguable basis in law or fact on one side and

placing those that clearly do not on the other but right along with the Judge's presumption and experience to know what the law "clearly demands," the law itself and any other reasonable claims supported by facts in which the Judge would abandon the law, his oath and that experience and enter a frivolous ruling. Lagoa's order is especially frivolous. The reasons are overwhelmingly clear.

(a) Arnold's Appeal is not frivolous as it relates to if the Domestic Relations Exception

Lagoa read the entire complaint that was dismissed by Thomas Barber in the district court. Thus, she knew that it was an action for the Intentional Infliction of Emotional Distress ("IIED") but denied the appeal of this case as one being barred by the domestic relations exception and frivolous. According to this experienced Judge who was shockingly even considered as an appointment to the People's court (U.S. Supreme Court), **she believes that the United States Supreme court's opinion is frivolous**. That court said that "[T]hat the domestic relations exception encompasses only cases involving the issuance of a divorce, alimony, or child custody decree." *Ankenbrandt v. Richards, 504 US 689 – Supreme court (1998)*; *Drewes v. Ilnicki, 863 F. 2d 469 (CA6 1988)* (holding that the exception **does not apply** to a tort suit for intentional infliction of emotional distress) *Ankenbrandt v. Richards, 504 US 689 – Supreme court (1998)*; "[T]his lawsuit in no way seeks such a decree; rather, it alleges that [Patterson]... committed torts against [him]. *Catz v. Chalker, 142 F. 3d 279 (6th Cir. 1998)*

The Supreme court has already explained when the domestic relations exception applies, and other courts have “already” expressed when it does not. The Supreme court did so by addressing the 1859 case of *Barber* which such domestic relations authority stemmed from. “[T]he Barber court did not intend to strip the federal court of authority to hear cases arising from the domestic relations **unless they seek the granting or modification of a divorce or alimony decree.**”

Ankenbrandt v. Richards, 504 US 689 – Supreme court (1992); “[B]ecause the allegations in this complaint do not request the District court to issue a divorce, alimony, or child custody decree, we hold that the suit is appropriate for the exercise of 1332 jurisdiction.” *Id.* Barbara Lagoa’s frivolous ruling, clinging to appear as impartial, was only able to assert that the claims stemmed from custody and child support orders and that it would necessarily implicate the enforcement of these orders. [See Doc. 13-2, pg. 3] This is nonsense and, cunningly and evasively, she does not assert nor identify how – which is an entirely different due process issue within itself being that “[L]itigants who appeal an adverse judgment *must identify* their disagreements with that decision.” *Walton v. Nat'l Integrated Grp. Pension Plan, 587 F. App'x 328 (7th Cir. 2014)*

(i) *The Custody and Support Orders were not implicated in any way*

Arnold’s claims is simply one involving the extortionate usage of a child support order by Patterson in response to Arnold’s actions to enforce a custody

order. These “acts” Arnold alleged caused him Intentional Infliction of Emotional distress. Lagoa’s assertion that his claims somehow “implicates” these orders is frivolous simply because his requested relief would not at all result in the issuance, enforcement of compliance or modification of any state order to make the domestic exception applicable, indirectly or directly. The exception was only designed for “remedies” which are attendant to domestic situations sitting before state courts in which federal courts are poorly equipped to handle the task. However, “[F]ederal courts [are] equally equipped [as state courts] to deal with complaints alleging the **commission of torts**” and breach of contract.” *Chevalier v. Estate of Barnhart*, 803 F. 3d 789 (6th Cir. 2015) Nothing in Lagoa’s order makes these cites to law even appear questionable. Lagoa has directives (bka the case law) from a higher court and cannot war against it and make the supreme court, somehow fruitless. Thus, to say that this case was frivolous, was extraordinarily frivolous in itself.

(b) Lagoa’s order was rendered to obstruct Justice

Because the law as it applied to the domestic relations exception has already been shown, deliberate obstruction of Justice can be shown by weighing Lagoa’s experience and presumptions to know the law, her acts contrary to the law and how it operated to obstruct Arnold’s case and what benefit was to gain. This is easily shown. Lagoa has the experience to know that the domestic relations exception did not apply and in fact is “[P]resumed to know the law and [how to] apply it in

making their decisions.” *Walton v. Arizona*, 497 US 639 - Supreme Court (1990) However, to get what she sought to gain – satisfaction of the scheme – obstructing Justice to delay this appeal – Lagoa had to abandon her experience, the law and her oath. The facts show that Lagoa knew that Arnold could not afford the appeal. [See pg. 10] She also knew that she could condition any “*proceeding*” in this appeal on his payment of the filing fee if she erroneously rendered this action frivolous. [Id.] In fact, Arnold now may not seek normal “*review*” of *Thomas Barber*’s order in the United States Supreme Court or in any panel or *en banc* in this court, without first paying the filing fee. [Id] Arnold is also restricted to Lagoa *if* she refuses to disqualify if Arnold wished to seek *en banc* consideration in this action from her order. 11th Cir. R. 35-4. [Id.] Thus, actual or probability of obstruction is shown.

(i) Motives to delay this appeal as it relates to concealment of a felony

The obstructionist delay of this appeal is not the only basis for Arnold’s disqualification motion. It follows motives of Lagoa, the reasons she would deny Arnold IFP status on this appeal. Arnold argues an appearance exist that she done so to conceal the felony of Thomas Barber. Arnold has accused Thomas Barber of also obstructing Justice in his lower court proceedings. Probable cause exists for his obstruction in the same manner as it exists for Lagao. Ms. Lagao has access to the filings in the district court the proceedings. In fact, Lagao has access to all the filings in this appeal, mainly, Arnold’s emergency motion filed on 5/30/2024

specifically accusing Thomas Barber of **obstructing Justice**. [Doc. 12, pg. 15] The denial of Arnold's IFP motion operated to prevent a judicial order in *this* "court" which would show Thomas Barber's order was flawed and thus indirectly provide the basis of probable cause of his obstruction by order of this court. The complete avoiding the law and what it required and the engagement in acts that operated to in fact conceal Thomas Barber's felony, shows an actual or probability that the acts Lagoa was in fact to conceal Barber's felony, judicially, in this court.

(ii) Motives to delay this appeal as it relates to alleged state created dangers

On the dates of 12/4/2023, 1/24/2024 and 5/1/2024, Middle District judge Thomas Patrick Barber would be consecutively assigned to three federal cases of Arnold. [*Arnold et al., v Patterson*, 8:23-cv-02708] [*Arnold v Chronister et al.*, Doc. 8:24-cv-00235, Doc. 1] [*Arnold v Patterson*, 8:24-cv-01054] Each of these cases directly and/or indirectly affected or involved the transactions or occurrence of allegations of state created danger procured by Georgia state officials as alleged in a suit filed by Arnold – an alleged assassination attempt. [See *Arnold v Kemp*, Doc. 1] The first case – this exact appeal – involved Patterson's exploitation of Arnold's fear of corruption and threats against his life from such corruption in his belief that he wouldn't get a fair trial because of the amount of money at stake. [*Arnold et al., v Patterson*, 8:23-cv-02708, Doc. 1. Par. 23, 153] This corruption involved entities and individuals involved in dangers to his life as Arnold alleged.

[Id.] The second case involved a Fla Sheriff's office engaging in a conspiracy to protect others accused of acting for the benefit of a conspiracy to threaten his life and acts to force him into a family court by domesticating his custody order in Fla.

[*Arnold v Chronister et al.*, 8:24-cv-00235 Doc. 1. Pg. 1-5] The third case involved Patterson's malicious conditioning the lawful possession of Arnold's minor child on his accepting service of a contempt action filed in the State of Georgia. In such case Arnold requested the court to take judicial notice of his lawsuit filed against nearly the entire branch of the State of Georgia asserting a broad conspiracy to assassinate him. [*Arnold v Patterson*, 8:24-cv-01054, Doc. 1 Par. 82] Arnold alleged that Patterson knew that to exploit their child & weaponize the love Arnold had for his child would or could cause Arnold to submit to her demands and do as she directed if she interfered with his parenting time -- which was get Arnold to "accept service" against his will in a child support contempt case. [Id. Par. 89]

Each of these cases all relate to each other and involve allegations of either the exploitation of fears against his life, a conspiracy to commit an assassination attempt against him, the protection of those accused of acting for the benefit of that conspiracy, the illicit conditioning the acceptance of his criminal complaints on his seeking family court action and the conditioning the rightful possession of his child on his accepting service of a child support contempt action. Each of those suits were assigned to Thomas Barber -- all were obstructed. The delays in this case are

not isolated, they follow the trend in multiple cases mentioned and referenced in those mentioned cases including not mentioned herein of obstruction and delay. More Importantly, these cases, including the cases they reference, each show allegations in the nature of an intent to condition the rightful possession of criminal complaints or possession of Arnold's minor child on his appearance in a family court where the goals of a criminal enterprise, as alleged to the DOJ, – his imprisonment as a pretext to assassinate him – *could* occur. So why the delays?

For example, *see Arnold v City of Hampton, et al.*, 1:21-cv-04970-SEG, take the dealing with the subject matter jurisdiction of Municipal courts over state traffic offenses absent the waiver of jury trials. The most recent order in this case **delays** claims that Arnold has expressed in a “Notice of Partiality to the court” is judicial obstruction of his claims that even counsel for the Defendant City of Hampton alleged, “**would invalidate all state misdemeanor traffic convictions adjudicated in municipal and prohibit its adjudication.**” [See Id. Doc. 107. Par 1-8] The presiding judge in this case, a Defendant in *Arnold v Kemp et al*, accused of conspiracy, even considers Arnold's claims *arguable*. She stated that the current make-up of the law is a “[S]trange result... considering the importance of the jury right, which one would think that language – *if* the defendant waives a jury trial – was supposed to protect.” [Doc. 72. pg. 51] If Arnold's arguable claims are true,

then Municipal courts in the State of Georgia stand to lose millions if not billions over the years annually if Arnold is successful.

Surely, a delay only delays the inevitable, or does it? One must question the delays and obstructions that Arnold has alleged in multiple cases which include allegations within the nature of inducing him into a family court action where his imprisonment is possible – even so far as weaponizing the love for his child until he does so and protecting Patterson – accused of doing so. One must too question the delays in this case. Are the delays solely to simply stall his eventual relief? Or, is it to obstruct and delay his relief until he can no longer seek relief – until Arnold is eliminated? Arnold asserts that the facts, the interferences and the circumstances all lead to one conclusion – to obstruct and delay his relief in wait for any general act of the weaponization of government is procured to eliminate the sole threat to Georgia's Municipal courts and any liability in which the wrong doers picked up along the way in doing so. Because the delays in this case follows a trend of alleged obstructions and delays in cases that too affect or involve transactions or occurrences directly or indirectly concerning allegations of a conspiracy to commit an assassination attempt against Arnold and state created dangers, the probability of the obstructionist delay alleged herein, as one being an act in furtherance of a conspiracy to commit murder, is explicitly shown to be more likely than probable. Thus, Lagoa must disqualify and in the interest of the public, immediately resign.

WHEREFORE, Appellant requests that;

- (1) Barbara Lagoa disqualify herself from these proceedings;
- (2) That her 6/25/2024 order be declared void including all subsequent orders;
- (3) Any other just relief as is proper as to not delay justice.

Date: 7/2/2024

By: 

Deandre Arnold
Mailing: c/o Attn: Mr. Arnold
740 Lovvron Rd. Apt B6
Carrollton Georgia 30117
Email: Dresmailbox89@gmail.com
Telephone: 470-514-3097

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

**Certificate of Compliance With Type-Volume Limit,
Typeface Requirements, and Type-Style Requirements**

This document complies with the word limit of Eleventh Circuit Rule 22-2 because this document contains 4,987 words. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) and 32(a)(7)(B)(i) and the proportionally spaced typeface is at 14-point font size Times New Roman.

Date: 7/2/2024

By: 

Deandre Arnold

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740 Lovvron Rd. Apt B6
Carrollton Georgia 30117

Email: Dresmailbox89@gmail.com

Telephone: 470-514-3097

CERTIFICATE OF SERVICE

Appellant, Deandre Arnold, certifies that he filed the foregoing
EMERGENCY MOTION TO DISQUALIFY CIRCUIT JUDGE BARBARA
LAGOA with the Clerk of Court using the CM/ECF system which will
automatically send email notification(s) to any counsel of record. Note: There is no
counsel of record or opposing party participating in this action which would require
notice.

DATE: 7/2/2024

By: 
Mr. Deandre Arnold
Mailing: c/o Attn: Mr. Arnold
740 Lovvron Rd. Apt B6
Carrollton Georgia 30117
Email: Dresmailbox89@gmail.com
Telephone: 470-514-3097

APPENDIX E

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

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

David J. Smith
Clerk of Court

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

July 17, 2024

Clerk - Middle District of Florida
U.S. District Court
801 N FLORIDA AVE
TAMPA, FL 33602-3849

Appeal Number: 24-10188-F
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:23-cv-02708-TPB-TGW

The enclosed copy of the Clerk's Order of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 24-10188-F

DEANDRE ARNOLD,
on behalf of T.A. as next of kin,

Plaintiff - Appellant,

versus

TYARIELLE PATTERSON,

Defendant - Appellee.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Deandre Arnold has failed to pay the filing and docketing fees to the district court within the time fixed by the rules; Motion for recusal filed by Appellant Deandre Arnold is DENIED as MOOT. [10239274-2]; Motion for Leave to File Appellant's Appendix Out of Time filed by Appellant Deandre Arnold is DENIED as MOOT. [10190749-2].

Effective July 17, 2024.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

APPENDIX F

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

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

David J. Smith
Clerk of Court

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

July 23, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-10188-F
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:23-cv-02708-TPB-TGW

NO ACTION / DEFICIENCY NOTICE

Notice that no action will be taken on Motion [10252847-2], Motion [10250906-2] filed by Appellant Deandre Arnold.
Reason(s) no action being taken on filing(s): This case is closed..

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

ACTION REQUIRED

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

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For all other deficiencies, to have your document considered, **you must refile the entire document** after all the deficiencies identified above have been corrected and **you must include** any required items identified above **along with** the refiled document. No action will be taken if you only provide the missing items without refiling your entire document.

Please note that any filing submitted out of time must be accompanied by an appropriate motion, *i.e.*, a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Notice No Action Taken

APPENDIX G

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

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

David J. Smith
Clerk of Court

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

August 05, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-10188-F
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:23-cv-02708-TPB-TGW

NO ACTION / DEFICIENCY NOTICE

Notice that no action will be taken on Motion [10263350-2] filed by Appellant Deandre Arnold.
Reason(s) no action being taken on filing(s): The deficiencies that caused this case to be dismissed have not been remedied. This case is CLOSED.

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

ACTION REQUIRED

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

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For all other deficiencies, to have your document considered, **you must refile the entire document** after all the deficiencies identified above have been corrected and **you must include** any required items identified above **along with** the refiled document. No action will be taken if you only provide the missing items without refiling your entire document.

Please note that any filing submitted out of time must be accompanied by an appropriate motion, *i.e.*, a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Notice No Action Taken

APPENDIX H

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

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

David J. Smith
Clerk of Court

For rules and forms visit
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July 17, 2024

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-10634-C

Case Style: Deandre Arnold v. Hillsborough County Sheriff, et al

District Court Docket No: 8:24-cv-00235-TPB-JSS

The enclosed order has been ENTERED.

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

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action