No. 24-6463

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Noel Vincent Thomas — PETITIONER
(Your Name)

vs.

ALEA, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

NOEL VINCENT THOMAS
(Your Name)

14004 NEPHI PLACE, APT 103
(Address)

TAMPA, FLORIDA 33613
(City, State, Zip Code)

813-817-7667
(Phone Number)

QUESTION PRESENTED

1) WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY DISMISSING PETITIONER'S CASE FOR FAILURE TO STATE A CLAIM OR INSUFFICIENT PLEADING, EXPIRATION OF THE STATUTE OF LIMITATIONS AND RES JUDICATA?
2) WHETHER THE TRIAL COURT ABUSED ITS DISCRETION BY REFUSING TO REVIEW AND EXAMINE THE COMPLAINT WITHIN ITS FOUR CORNER LIMITS AND APPLY ALL THE ACCOMPANYING EXHIBITS TO THE CAUSES OF ACTION AND THE FAILURE TO ESTABLISH THE BURDEN OF PROOF TO REFUTE THE FACTUAL CONTENTS THEREIN?

PARTIES TO THE PROCEEDINGS AND RELATED CASES

Petitioner, Noel Vincent Thomas, was the Plaintiff in the Hillsborough County Small Claims Court and the Appellant in the Florida Second District Court of Appeals.

Respondents, Alabama Law Enforcement Agency, Deena L. Pregno, Charles Ward and Hal Taylor was the Defendants in the Hillsborough County Small Claims Court and the Appellees in the Florida Second District Court of Appeals.

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, judgment entered on November 12, 2024.

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 requests the issuance of a writ of certiorari to review the judgment of the Florida Second District Court of Appeals.

OPINION BELOW

The unpublished final judgment from the Florida Second District Court of Appeals denying Petitioner's motion for rehearing and motion for issuance of a written opinion, reprinted at, ***Pet. (App. A- 1a)***. An unpublished order from Florida Second District Court of Appeals affirming the lower court decision reproduced at, ***Pet.***

(App. B- 2a). Unpublished order from Florida, Hillsborough County Civil Court denying Petitioner's motion for new trial, reprinted at, ***Pet. (App. C-3a-4a)***. The unpublished order from Florida, Hillsborough County Civil Court granting the Respondent's motion to dismiss, reproduced at, ***Pet. (App. D-4a)***.

JURISDICTION

Noel Vincent Thomas, the Petitioner, was denied access to the Courts by the dismissal of this action by the Florida Second District Court of Appeals for failure to state a claim, res judicata and the expiration of the statute of limitations, issued on November 12, 2024, ***See Pet. (App. 1a-2a)***. The Petitioner invoke this Court's jurisdiction under ***28 U.S.C. § 1257***, having timely filed this petition for writ of certiorari within the (90) ninety days of the Florida District Court of Appeals' judgment.

STATEMENT OF CASE

In the year of 1998, Alabama and Florida Department of Motor Vehicles (DMV) officials conspired to place a 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 of telephone to force them to provide exonerating documents to justify their action or correct the problem, yet they still failed to comply. And this prolonged and torturous experience caused severe loses and damages, which violated Petitioner's-Appellant's ***United States Constitutional 8th Amendment Right***, that states "nor cruel and unusual punishments be inflicted, but here is clear evidence of abuse and misuse of authority. After years of unsuccessful endeavors of contacting the Respondents-Appellees by way of phone, the Petitioner-Appellant began sending complaints to multiple Alabama and Florida

State officials to attempt to apply more pressure directly on them and some responded, and others refused ***(See E-7, comp.)***, yet they all decided to conspire to cover up the violations by ignoring the facts and began fabricating false government documents. Once all state remedies were exhausted Petitioner-Appellant filed a civil suit in the U.S. District Court, on October 9, 2018, to address the miscarriage of justice perpetrated by the Respondents-Appellees. On February 14, 2019, the U.S. Magistrate Judge filed a report and recommendation(R&R) to deny Petitioner's-Appellant's motion to proceed in forma pauperis and dismiss his complaint for the stated reasons of failure to satisfy the threshold pleading requirements, the immunity to which several "not all" the defendants are entitled under the eleven amendment and failure to state a viable federal claim. The Petitioner-Appellant filed an objection to the report and recommendation (R&R) and amended his complaint on February 27, 2019, and on April 18, 2019, the U.S. District Judge overruled Petitioner's-Appellant's objection motion and dismissed his amended complaint and then ordered Petitioner-Appellant to file a second amended complaint without a logical reason to do so. And on April 30, 2019, Petitioner-Appellant complied with the Court's orders and on September 20, 2019, the U.S. Magistrate Judge filed a second report and recommendation (R&R) and Petitioner-Appellant responded on October 4, 2019, then on January 13, 2019, the case was completely dismissed. Petitioner-Appellant filed a notice of appeal, forma pauperis and an appointment of counsel motion, in the United States Court of Appeals on January 21, 2020, and on January 27, 2020, Petitioner-Appellant received an instructional letter from the U.S. Court of Appeals Clerk's Office, and on February 3, 2020, Petitioner-Appellant received another letter from the Clerk of the U.S. Court of Appeals, informing him to file a motion

to proceed in forma pauperis. Then on February 10, 2020, Petitioner-Appellant received yet another letter from the Clerk of the U.S. Court of Appeals telling him to file a certificate of interested persons and on May 4, 2020, Petitioner's-Appellant's motion to proceed in forma pauperis was denied by the U.S. Court of Appeals and on June 5, 2020, Petitioner's-Appellant's complaint was dismissed for want of prosecution because Petitioner-Appellant failed to pay the filing or docket fees. After the dismissal of Petitioner's-Appellant's federal civil complaint, he somewhat became semi- financially stable, and he filed multiple actions stemming from the same incident that initiated this legal process, into the Hillsborough County Small Claims Court (HCSCC), and one of those cases being, civil number 21-CC-018676, filed on February 25, 2021, and it was pending in that Court for two years and was finally dismissed for said reason of insufficient evidence and the decision was affirmed by the Florida Second District Court of Appeals. Petitioner-Appellant initiated a civil action 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 on March 24, 2021, the Respondents-Appellees filed a motion to dismiss and on April 20, 2021, the HCSCC, granted the Respondents-Appellees their motion to dismiss. Then on April 21, 2021, Petitioner-Appellant filed a notice of appeal in the Florida Second District Court of Appeals and on December 3, 2021, the Lower Court decision was affirmed by the Appeals Court. Petitioner-Appellant then filed a lawsuit in Montgomery, Alabama District Court in December of 2022 and on December 7, 2022, the District Court issued an order transferring the case to the Circuit Court for adjudication for stated reason of

Petitioner-Appellant was seeking relief outside of the Court's jurisdictional authority. Then on December 21, 2022, the Circuit Court granted Petitioner's-Appellant's affidavit of substantial hardship and on December 29, 2022, the summons and complaint were served on the Respondents-Appellees by the Circuit Court and a hearing was set for February 27, 2023, and in that hearing the Circuit Court granted the Respondents-Appellees their motion to dismiss and Petitioner-Appellant filed a motion for rehearing and on April 3, 2023, the Circuit Court denied said motion. Petitioner-Appellant filed a notice of appeal into Alabama Court of Civil Appeals on May 15, 2023, and on June 29, 2023, the case was transferred to the Alabama Supreme Court for lack of jurisdiction. Then on November 9, 2023, the Alabama Supreme Court affirmed the Lower Court decision without giving an opinion, basically following the lead of the Alabama Circuit Court, which makes the appeals process difficult due to the fact that neither Court has ruled on the merits of the case, only dismissing the action for procedural issues, therefore Petitioner-Appellant filed an application for rehearing on November 13, 2023, and on January 5, 2024, the application was denied. During the above mentioned illegal process, Petitioner-Appellant filed case number 22-CC-110379, into the HCSCC on December 15, 2022, and the Respondents-Appellees filed a motion to dismiss on January 19, 2023, and on January 20, 2023, Petitioner-Appellant filed a request for entry of default judgment with affidavit and a motion for default judgment with affidavit, yet the HCSCC refused to grant Petitioner-Appellant default judgment based on the fact that the Respondents-Appellees failed to respond to the summons and complaint within the 20-day time limit requirement pursuant to ***Florida Rule of Civil Procedure (FRCP) 1.140(a)***, which states, unless a different time is prescribe in a statute of Florida, a defendant

must serve an answer within 20 days after service of original process and the initial pleading on the defendant, or not later than the date fixed in a notice by publication. And on May 18, 2023, the HCSCC dismissed the action for said reasons of res judicata and the expiration of the statute of limitations which neither can be proven by the Respondents-Appellees or the HCSCC, so Petitioner-Appellant filed a motion for new trial on June 1, 2023, and the HCSCC took a six-month hiatus away from litigating this case in hope of illegally dismissing the case for want of prosecution, therefore Petitioner-Appellant filed a motion to expedite the proceedings on November 27, 2023, and on November 29, 2023, the HCSCC denied Petitioner's-Appellant's motion for new trial

STATEMENT OF FACTS

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 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 shows 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 a solution to the problem but received none, so after the alleged default judgement almost 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 5, 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's 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, they 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.'s 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 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 show 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, ***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 the fact that 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 with the Montgomery, Alabama District Court 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 for adjudication of the matter for the alleged reason of Petitioner-Appellant sought relief outside of the Trial Court's jurisdictional authority. Then on December 21, 2022, the Alabama Circuit Court 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 Alabama Circuit Court, 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 is prescribed under applicable procedure. Then a hearing was set for February 27, 2023, and in that hearing the Alabama Circuit Court granted the Respondents-Appellees their motion to dismiss and Petitioner-Appellant filed a motion for rehearing and on April 3, 2023, the Alabama Circuit Court denied said motion. And due to the fact that every Court that have heard Petitioner's-Appellant's cases have unjustly dismissed them for procedural issues never addressing the merits or facts of the action, so on December 15, 2022, Petitioner-Appellant filed civil action 22-CC-110379, into the HCSCC, and on January 19, 2023, the Respondents-Appellees filed a motion to dismiss, and then on January 20, 2023, Petitioner-Appellant filed a request for entry of default judgment with affidavit and a motion for default judgment with affidavit, yet the HCSCC refused to grant Petitioner-Appellant default judgment based on the fact

that the Respondents-Appellees failed to respond to the summons and complaint within the 20 day-time limits as required by, ***FRCP 1.140(a)(1)***. Then on May 18, 2023, the HCSCC dismissed the action for reasons of res judicata and expiration of the statute of limitations, without establishing proof of both defensive grounds. So, Petitioner-Appellant filed a motion for a new trial on June 1, 2023, and the HCSCC attempted to take a six-month hiatus from litigating this action, hoping to illegally dismiss the case for want of prosecution, therefore Petitioner-Appellant filed a motion to expedite on November 27, 2023, and on November 29, 2023, the HCSCC denied Petitioner's-Appellant's motion for a new trial.

ARGUMENT

WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY DISMISSING PETITIONER'S CASE FOR FAILED TO STATE A CLAIM OR INSFFICIENT PLEADINGS, EXPIRATION OF THE STATUTE OF LIMITATIONS AND RES JUDICATA?

This Court has jurisdiction to review the final order of the Trial Court, dismissing Petitioner's-Appellant's claim for the stated reason of Res judicata, expiration of statute of limitations and failure to state a claim pursuant to ***FRAP 9.030(b)(1)(A)***, which permits review of final orders that determine the jurisdiction of those orders that are not directly reviewable by the Supreme Court or a Circuit Court. The District Court of Appeals has previously rendered judgment asserting, a trial court ruling concerning the application of res judicata and collateral estoppel is also reviewed de novo. ***W&W Lumber of Palm Beach, Inc. v. Town & Country Builders Inc. 35 So. 3d 79, 82 (Fla. 4th DCA 2010)***. Our review of the trial court's ruling concerning the application of res judicata and collateral estoppel is de novo.

Felder v. Fla. Dept. of Mgmt. Servs., 993 So. 2d 1031, 1034 (Fla. 1st DCA 2008).When res judicata is asserted based on a prior federal judgment, Florida courts apply federal claim preclusion principles. ***Anderson v. Vanguard Car Rental USA Inc. 60 So. 3d 570, 5712 (Fla, 4th DCA 2011)***. Res judicata applies to matters actually, raised and determined in the original proceeding and also to matters which could have properly been raised and determined. ***State v. McBride, 848 So. 2d 287, 290 (Fla. 2003).*** Federal courts apply res judicata when (1) there has been final judgment on the merits, (2) rendered by a court of competent jurisdiction, (3) in a case with identical parties, (4) on the same cause of action. ***Andujar v. Nat'l Prop. & Cas. Underwriters, 659 So. 2d 1214, 1216 (Fla. 4th DCA 1995).*** And since the Respondents-Appellees are an Alabama state agency and violated laws in multiple jurisdictions then this Court has an obligation to examine and utilize those law that are applicable to this situation and understand that res judicata can only be used in city, county or state courts, if the matter has been adjudicated on the merits in a federal court, which is the only competent jurisdiction available, since it operates under the supreme laws of the country. Generally, the standard of review of an order dismissing a complaint with prejudice is de novo. ***Palumbo v. Moore, 777 So.2d 1177, 1178 (Fla. 5th DCA 2001)***. Concluding that the complaint states a cognizable cause a of action and that the trial court improperly looked beyond the four corners of the complaint in ruling on the motion to dismiss with prejudice. ***Stubbs v. Plantation gen. Hospital Ltd. P'ship, 988 So. 2d 683 (Fla.4th DCA 2008).*** Where a motion to dismiss a complaint rest on facts outside the scope of the allegations contained in the complaint, the trial court commits reversible error in dismissing the complaint based on those extraneous matters. ***Tiseo v. Arnold, 237 So.2d 21 (Fla. 2d DCA***

1970). A court may not properly go beyond the four corners of the complaint in testing the legal sufficiency of the allegations set forth therein. ***Hewitt-Kier Constr. Inc., v. Lemeal Ramos and Assocs., Inc., 775 So. 2d 373, 375 (Fla. 4th DCA 2000).*** A legal issue surrounding a statute of limitations question is an issue of law subject to de novo review. ***Hamilton v. Tanner 962 So. 2d 997, 1000 (Fla.2d DCA 2007).*** If there is doubt as to the applicability of the statute of limitations the question is generally resolved in favor of the claimant. ***J.B. v. Sacred Heart Hospital of Pensacola, 635 So.2d 945, 947 (Fla. 1994).*** The cause action accrues from the time of the breach or neglect, not from the time when consequential damages result or become ascertained. ***Fradley v. County of Dade, 187 So. 2d 48 (Fla3d DCA 1966).*** A cause of action accrues when the last element constituting the cause of action occurs. ***Abbott Lab. V. Gen. Elec. Capital, 765 So. 2d 7367 (Fla. 3d DCA 2000).*** This Court should review the Trial Court's dismissal of Petitioner's-Appellant's case for the alleged reasons of failed to state a claim, res judicata, and expiration of the statute of limitations under the de novo, standard of review. On appeal, a dismissal is not entitled to the presumption of correctness, if the ruling involved the application of Alabama law to undisputed facts. ***See, Allen v. Johnny Baker Hauling. Inc. 545 So. 771, 772 (Ala. Civ. App. 1989).*** Dismissal under ***ARAP 12(b)(6)***, should be granted sparingly, and such a dismissal is proper only when it appears beyond doubt that the plaintiff can prove no set of facts in support of the claim which would entitle him or her to relief. ***See, Roberts v. Meeks, 397 So. 2d 111 (Ala 1981).*** Furthermore, pleadings are to be liberally construed in favor of the pleader. ***See, Mitchell v. Mitchell, 506 So. 2d 1009, (Ala. Civ. App. 1987).*** For the purpose of the statute of limitations a cause of action arises at the time when the plaintiff is entitled to bring the suit thereof. ***See,***

Henslee v. Merritt, 263 Ala. 266, 82 So. 2d 212 (Ala. 1955). 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 damages. ***See, Corona Coal Co. v. Hendon, 213 Ala. 104 So. 799 (Ala. 1925).*** Alabama law requires four elements for the application of res judicata. First, there must be substantial identity between the parties in the prior and subsequent suit. Second, there must be the same cause of action in both suits, Third, the previous case must have been decided by a court of competent jurisdiction. Fourth, the previous adjudication must have been reached on the merits of the case. ***See, Missildine v. Avondale Mills Inc. 415 So. 2d 1040, 1041 (Ala. 1981).***

Requirements for failure to state a claim and insufficiency of the evidence.

The Respondents-Appellees presented their dismissal motion to the Trial Court based on the defensive grounds of res judicata, statute of limitations, sovereign immunity and failed to state a claim, and the Trial Court eliminated the first two and granted the Respondents-Appellees their motion to dismiss on the grounds of res judicata and statute of limitations, in which both are intrinsically connected to failure to state a claim. According to state and federal laws, there are three main requirements needed to establish failure to state a claim, and they are as follows:

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

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

Petitioner failed to offer an example of illegal activities conducted by 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-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 violation ***(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 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 Appeals Court should take note of that fact ***(See E-34, comp.)***.

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 Court 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. 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 shows a driver's license expiration date of July 16, 1998, and all of the above information is false because Petitioner-Appellant was only issued driver license in the state of Florida for the first time on May 10, 2019. Then Petitioner-Appellant received

an email from ALEA, DLD Chief, dated June 26, 2018, conspiring with Florida DHSMV, attempting to concoct a narrative to justify placing the illegal hold on Petitioner's-Appellant's driver privileges for over twenty years, by claiming that some error occurred when his Alabama Driver license was reported suspended and his Florida I. D. card was shown as expired ***(See E-8, comp.).*** The above-mentioned email was insinuating that Petitioner-Appellant had a Florida I. D. card and an Alabama driver license simultaneously but neither of those DMV agencies have documentation to prove such an assertion. And further Petitioner-Appellant never lived or had an I D card in Florida until the early parts of the year 2000, so the email is the falsification of a government document and proof of a conspiracy between Alabama and Florida DMV. Petitioner-Appellant sent a certified complaint with supporting exhibits attached to the Florida DHSMV, Inspector General Office on July 23, 2018, and on July 27, 2018, Petitioner-Appellant received a falsely manufactured government letter from the Florida DHSMV, Inspector General acknowledging the reception of Petitioner's-Appellant's complaint and the accompanying exhibits and it further identifies the main issue of the complaint, which was driver's privileges and it continued asserting that after reviewing Petitioner's-Appellant's concerns 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 Trial Court on December 7, 2022, to help bolster the factual grounds of this complaint but have not been utilized, accepted, or reviewed by the Trial Court so, Petitioner-Appellant will introduce the following exhibits to the Appeals 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's-Appellant's I. D. card or driver license were ever suspended, revoked, cancelled or expired as claimed by the Florida DHSMV, Motorist Service's letter dated August 31, 2018, ***(See E-13, comp.),*** or the

ALEA, DLD, Chief 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 Appeals 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-Appellant Alabama driver license, the earliest issue date on file in that document is August 4, 1994, ***(See E-17, comp.),*** so the Respondents-Appellees are inventing and concocting these documents to fit their narrative to try and justify criminal conduct.

Appellant'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 establish the statute of limitations requirements.

The Respondents-Appellees alleged that Petitioner-Appellant's claim was barred on its face by the applicable statute of limitations, namely, ***Alabama Code 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 Respondents-Appellees were purposefully and willingly providing false and perjurious information to the Trial Court, 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, is barred by the statute of limitations and res judicata, but refused to respond to the summons and complaint within the

prescribed period of time. 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; and this is in accordance with ***FRCP 1.500(b)***. Petitioner-Appellant entered a request for entry of default on January 20, 2023, but the Trial Court 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 19, 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 acts 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 rules 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 Trial Court Clerk should have entered default as required by the ***FRCP 1. 500(b)***. 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.*** Petitioner provided the Trial Court with falsified and fabricated government documents from the Respondents. Petitioner provided the Trial Court with evidence showing the Respondents conspiring to cover up their misdeeds. ***(2) Petitioner failed to provided evidence to prove that the Respondents violated the law***. Petitioner supplied the Trial Court with the Respondent's false and fabricated government documents, in which they illegally sent to Petitioner the Courts and other entities by way of U.S. mail and email, thereby committing wire and mail fraud. The Appellees-Defendants conspired with Florida state agencies to commit fraud by knowingly concocting false information to deny Petitioner's driver privileges for over twenty years, thereby violating laws in multiple jurisdictions, therefore, violating interstate laws. ***(3) Petitioner's lawsuit has no measurable injury indicated in the action.*** Petitioner clearly established the facts that he has suffered tremendous economic loss due to being deprived of driver license for a lengthy period of time, and the mental and physical stress placed on Petitioner-Appellant by those agencies who refused to take any type of reasonable steps to resolve the issues. And Further Petitioner-Appellant have been litigating these lawsuits without the assistance of lawyers, in multiple Courts simultaneously, which have caused extreme mental duress and unmeasurable financial loss due to the time required to research every case. The Respondents-Appellees are 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 ***Florida Statute 95.11(1)*** and ***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 in 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-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 fictional court default judgment, which would have had a twenty-year time limit. Based on the Respondents-Appellee's argument in their motion to dismiss, they alleged that for the purpose of res judicata two causes of action are the same if four elements are met, and one of them being the following: *whether all parties to the previous lawsuit were given full and fair opportunity to be heard on the issues.* 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: (1) mistakes, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing; (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 Court 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, then this should have forced the Trial Court to demand the Respondents-Appellees respond to the complaint. And further the Respondents-Appellees fraudulently gave perjurious testimony and provided the

Trial Court 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 Court to order an evidentiary hearing or the discovery process but no such action was ever taken, but rather the complaint was dismissed on the grounds of res judicata and expiration of the statute of limitations, which are complex litigation issues and procedural matters, not substantive, which could not be resolved in the that particular Court under those conditions because the Court had to remain within the four corners limits of the complaint. 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 Court was required to implement the discovery process once fraudulent conduct was exposed.

What are the prerequisites for res judicata?

- A judicial decision by a proficient court or tribunal.
- Final and binding.
- Any decision made on the merits.
- A fair hearing.

What are the elements of res judicata?

- The specific cause of the action in prior lawsuit.
- The specific issue or fact that was addressed and decided in the prior lawsuit.

- The identities of the parties to the prior lawsuit.
- The designation or position of the parties in the previous lawsuit.
- Whether the judgment in the previous lawsuit was final.
- Whether all parties to the previous lawsuit were given full and fair opportunity to be heard on the issue.

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 in a competent court (federal level), and even those types 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.

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 for 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 dismissed those cases based on res judicata on the merits of the claim nor has the issue been legally raised by any court or opposing parties, due to the fact that the Respondents-Appellees have not met the prerequisites of res judicata, such as; {a} 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 is 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 matters and not substantive matters, which means, the judgment was not; {b} final or binding; {c} the decision wasn't based on the merits of the case; thereby, {d} failed to provide a fair hearing or trial. And further the Respondents-Appellees failed to meet the required elements of res judicata, even though; [1] the causes of action are the same, never the less, [2] the specific issues were never addressed ; [3] the identity of the Respondents-Appellees are different; [4] the designation or position of the parties are not the same; [5] the judgment of the previous lawsuit was not final; and [6] Petitioner-Appellant was never given full and fair opportunity to be heard on the issues, so the Respondents-Appellees have no legal grounds to pursue the assertions of their defensive argument.

What is dual sovereignty?

Dual sovereignty refers to a legal principle that more than one sovereign may prosecute an individual or entity without violating the prohibition against double jeopardy if the person or entity's act breaks the laws of each sovereignty. This means that the federal and state governments may both prosecute someone for crimes, without violating the constitutional protection against double jeopardy, if those persons or entities' actions violate both jurisdiction's laws. Based on the meaning of the above-stated law, it nullifies res judicata because Alabama and Florida DMV, committed crimes in multiple jurisdictions, which are federal interstate crimes and they both conspired in the year 2018 to attempt to cover up the crime of fraud perpetrated against Petitioner-Appellant on July 16, 1998, by fabricating false government documents and sending them to Petitioner-Appellant by way of email and U.S. mail, thereby committing mail and wire fraud ***(See E-8,13, Comp.)***. The afore-mentioned information proves that the Respondents-Appellees were knowingly and willingly providing perjurious testimony to the Trial Court because they know that the hold placed on Petitioner's-Appellant's driver license on July 16, 1998, was not the last criminal action taken by ALEA, due to the fact that the Respondents-Appellees have in their possession all the illegally manufactured government documents from both DMV agencies and are purposefully attempting to mislead the Courts into believing that the statute of limitations has expired, when it reality the crimes is still in progress.

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN REFUSING TO REVIEW OR EXAMINE THE COMPLAINT WITHIN ITS FOUR CORNRES LIMITS AND ALL THE ACCOMPANYING EXHIBITS AND

FAILURE TO ESTABLISH THE BURDEN OF PROOF TO REFUTE THE FACTUAL CONTENTS THEREIN?

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

In the Trial Court order dated May 18, 2023, granting the dismissal of Petitioner's-Appellant's complaint, the Trial Court failed to give any reason or explanation for such an action, therefore Petitioner-Appellant can only assume that the Court is in full agreement with the Respondent's-Appellee's legal argument, and therefore, when Petitioner-Appellant point out the defects in the defensive elements of the opposing party, it will be synonymous with the Trial Court's decision. It asserted that Petitioner-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 Court was genuine in its argument that Petitioner-Appellant failed to state a claim, failed to meet the expiration date of the statute of limitations, and violated res judicata, the Trial Court should have excepted 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 lawyers. So, in Petitioner-Appellant's sincere effort to comply with the Court's rules it should have forced the Trial Court to render a more lenient judgment than it did, but the question must be asked, what is the basis for the Trial Court decisions? Petitioner-Appellant filed a 20-page complaint with 34 complex and supportive exhibits, into the HCSCC on December 15, 2022, and within less than a few

months period of time the HCSCC arrived at a convoluted narrative that defies legal interpretations and with all the factual evidence presented to the Trial Court, it still claimed that Petitioner-Appellant failed to state a claim or insufficient evidence.

Trial Court failed to meet the burden of proof requirements to refute Petitioner-Appellant'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 driver 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 Appellant-Plaintiff 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 Court 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, and after Petitioner-Appellant clarified his complaint and warned the Trial Court 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 decision, yet the Trial Court ignored the advice of Petitioner-Appellant and illegally dismissed 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 Court final decision 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 ***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 wrong doctrine,*** is based on the concept that an unlawful act is incessant and therefore eliminates any possible uses of the Respondents-Appellee's claim of 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's-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-Appellant 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, Motor 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-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-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

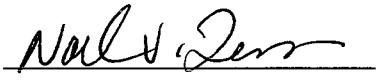
driver's record from Florida DHSMV, ***(See E-18, comp.);*** [d] and finally Petitioner-Appellant requested a lifetime history of his driver's license from ALEA, DLD, who provided a falsified government document dated December 23, 2020, ***(See E-17, comp.).*** None of the afore-mentioned documents show that Petitioner's-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 is futile because they demonstrate a course of conduct of continuous wrong and the unwillingness to cease and desist from criminal activities. 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-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.

CONCLUSION

For foregoing reasons, Petitioner, Noel Vincent Thomas respectfully requests that the Trial Court's order denying Petitioner's motion for rehearing and the dismissal of this action with and without prejudice be reversed and this case be remanded for adjudication on the merits.

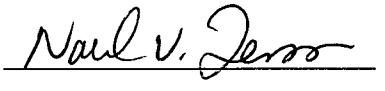
Respectfully Submitted



Noel Vincent Thomas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 20, 2025, a true and correct copy of the foregoing was delivered via U.S. mail to the listed person and address below.



D Michelle Cone

201 S. Union Street, Ste. 300

Montgomery, Alabama 36104

michelle.cone@alea.gov

Noel Vincent Thomas

14004 Nephi Place, Apt 103

Tampa, Florida 33613

Tel: (813) 817-7667

Nlthms44@gmail.com