"Initial Writ of Certiorari"

IN THE SUPREME COURT OF THE UNITED STATES

NEIL CUFF
Petitioner,
v.
FLORIDA A&M UNIVERSITY& BOARD OF TRUSTEES
Respondent

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit, Case #23- 12474-F

PETITION FOR WRIT OF CERTIORARI

CIVIL RIGHTS VIOLATIONS CASE

QUESTIONS PRESENTED

Petitioner Cuff entered Florida A&M Pharmacy school at the Crestview/Alabama campus in 2014-2018. As an Immigrant Citizen, he was not accepted well and endured violations of his Civil Rights. During school and after he graduated, he filed Complaint Reports. In 2022, the Office of Civil Rights gave him a Rights Letter to file a Federal Lawsuit. The Petitioner hired 2 Education Attorneys, who took his fees, made up excuses, and deserted him just before the lawsuit was to be filed. Petitioner still filed as a Pro se Litigant in April 2022. He soon began to observe that he was not being treated Fairly, i.e.,:

1. The case was very complex, and the Petitioner could not afford to hire new Attorneys, so he petitioned the Ruling Judge, Hon. Dalton, for help with the

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appointment of a pro bono attorney under Rule 4-6.1, and twice, he Denied his requests.

2. Petitioner began to observe that he was always admonished for things like Local Rule 3.01 (g) (even after the necessary adjustments were made), and when the University's Attorneys violated that Rule, nothing happened.
3. From the Outset, the School's Attorneys never followed the Rules of Civil Procedure, especially with the Production and turning over of Discovery Requests. They were always making up legalese excuses. **They never produced/turned over a single Discovery Material**
4. So, almost a year after the Lawsuit was filed, Cuff filed a Motion to Compel those Discovery Responses. That Motion was approved by Magistrate Judge Hon. Robert Norway. But, Judge Norway, wanted Petitioner to confer with all Opposing Counsel first (including those from 3rd Parties).
5. While Petitioner was in the Process of completing those conferrals, the Ruling Judge, Hon Roy Dalton, interrupted, voided Judge Norway's Order, and dismissed the Case outright (***Case# 6:22-cv-00-777***). Even though the School Attorneys refused to turn over Discovery responses from the inception of the Case, he ruled that the case **was Dismissed because "it was not being Prosecuted"**.
6. Petitioner immediately filed an Appeal with the 11th Circuit Court in Atlanta, GA. He explained to the Appeal Court that the School Attorneys refused to turn over a single Discovery Material, and still the case was dismissed for ***"not being prosecuted"***. Petitioner pleaded with them to assist with the Appointment of a Pro Bono Attorney, as well as to allow him to file another Motion for those Discoveries. The Appeal Court never responded to those requests and Dismissed his case after a few months.

The Wait on Pending Appeals:

- Petitioner hired an online Attorney, Ms. Jennifer Ford, to assist him with Motions and Amended Complaints in the Federal Case in 2023. Weeks before the Case was dismissed by Judge Hon. Dalton, Ms. Ford inadvertently informed Petitioner by text messages and phone calls that attorney Richard Mitchell had reached out to her for interference purposes. She also passed along that Mr. Mitchell was communicating with Judge Dalton, ex parte.
- Cuff immediately filed a Complaint with the Grievance Committee at the Florida Bar (**Case # File No. 23-10381**). He is still awaiting the results of

that investigation. Please find attached his latest follow-up Letter to the Florida Grievance Committee attached as EXHIBIT "A".

- With just days before the Dismissal of the Federal Case, Petitioner hired a low-cost Attorney referred to him by the Florida Bar to assist him (Attorney Zeffery Mims). Mr. Mims took the case and just days later made up an excuse…by saying that he was closing his office and reneged on the case. The Florida Bar later told Petitioner that it was not true.
- Immediately after, the Case was dismissed…so Petitioner filed a Complaint against Attorney Mims with the Bar Association (**Case # 23-13522**), and to investigate whether Attorney Richard Mitchell was also involved in interference. Both Attorneys are located in Downtown Orlando, FL.
- Those Complaints were filed in 2023, and so I was hoping to get back those results before filing this Writ of Certiorari (And that is the reason why I waited to file).

The Following Questions are presented:

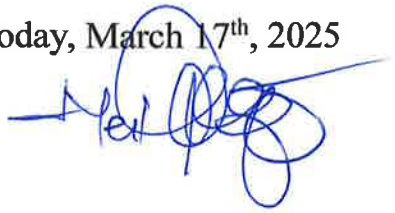
1. Did the Eleventh Circuit Appeals Court err when it upheld the Decision of the Federal Court of the Middle District of Florida?
    a. By allowing the Ruling Judge, Hon Roy Dalton, to dismiss the case without affording Petitioner Cuff the appointment of a Pro Bono Attorney as stated by Law (**Rule 4-6.1**) under the extraordinary circumstances
    b. By not demanding that the Opposing Counsel turn over a single pertinent Discovery Material/Document before Dismissal
    c. By refusing to hold a Hearing to go over those serious allegations of interference by the Opposing Attorney, Mr. Richard Mitchell, as suggested by the Florida Bar Association's Letter.
    d. By interfering and interrupting with the Conferrals before the Compelling of Discovery as Ordered by Magistrate Judge, Hon. Robert Norway.

CONCLUSION AND A PRAYER FOR RELIEF

Petitioner Cuff is hereby appealing to the Supreme Court to grant Certiorari to review the Eleventh Circuit's Judgement upholding the Decision of the Federal Court in the Middle District of Florida to dismiss his Case. He is also appealing to

the Supreme Court to allow Petitioner Cuff to arrange and pay the Application fees for this Motion in installments, as he has not been allowed to take his Pharmacy Board Exams since graduating in 2018, and be able to work

Respectfully Submitted today, March 17th, 2025
Petitioner, Neil Cuff



Attorney Richard Mitchell's Complaint, File No. 23-10381

EXHIBIT "A"

From KernelCuf@proton.me <KernelCuf@proton.me>

To barbara@lawbmc.com, sschuyler@floridabar.org

CC Doyle, Joshua<jdoyle@floridabar.org>, Fsc@flcourts.org, contact@floridajqc.com, askDOJ@usdoj.gov, Paterson.jacob@flsenate.gov

Date Monday, December 16th, 2024 at 12:57 PM

Dear Florida Bar's ACAP Director, Ms. Schuyler, and Chair, Ms. Caldwell:

In March of 2023, Attorney, Ms. Jennifer Ford, who was helping me with a 2nd Amended Complaint against Florida A&M University, shared some disturbing information with me.

Through text messages and otherwise, I learned that Opposing Attorney, Mr. Richard Mitchell was communicating with her (unbeknownst to me), as well as with the Ruling Judge, Hon. Dalton, ex-parte.

Those improper communications may have caused the Dismissal of my Federal case (6:22-cv-00-777) in June 2023.

I recently asked the Florida Bar to conduct a thorough investigation into the activities of Attorney, Mr. Mitchell. That should have included subpoenas of Records, interviews, etc.

I just received responses from you, Ms. Schuyler, and Chair, Ms. Caldwell, saying, that Attorney Mitchell was cleared of all wrongdoing. Copies of those Letters are included below.

And, so, because, I have proof (that I received from Attorney Ford), I am asking the Florida Bar for special permission to subpoena those Attorneys' Records myself.

I would also like to Appeal the Bar's recent Decision, and have provided a more detailed response below:

My Complaints Against Attorney Richard Mitchell Involved the following items:

1. **He refused to turn over a single piece of Discovery Document from April 2022-June 2023.**
2. In April 2023, when I complained to the Florida Bar about his refusal, I was advised to request a Hearing with the Federal Court. Those Discovery materials include, a missing Grievance Resolution from the University, which is almost 7 years overdue, and the Production of Documents to show why I was wrongfully terminated as an Intern from 5 Pharmacies back in 2017-2018, etc.
3. When I requested that Hearing, Judge, Hon. Roy Dalton Denied it.
4. In March 2023, while Ms. Jennifer Ford (an online Attorney) was preparing my 2nd Amended Complaint against FAMU Pharmacy School, she shared information which included text messages, to indicate that Attorney Mitchell had reached out to her to damage my case.

5. I have provided the Florida Bar with some of that evidence.
6. I was able to glean from Ms. Ford's remarks that Attorney Mitchell was also communicating with Hon. Judge Dalton, ex-parte.
7. There were other possible interferences with my other hired Attorneys, Mr. Antonio Hernandez and Mr. Zeffery Mims, among others.
8. In my complaints to the Florida Bar (2023), I asked Attorneys, Mr. Hernandez and Mr. Mims to respond to the following queries (**copies below**)…to confirm or deny if they had colluded with Attorney Mitchell.
9. **They refused to respond.**
10. Ms. Schuyler, could you please ensure that both men respond to those serious queries?

The Possible Association Between Attorney Richard Mitchell, and Hon. Judge Roy Dalton

1. In June of 2023, I had just been released from the Hospital and immediately filed a Motion to Compel those long overdue Discovery Materials from Opposing, Attorney Mitchell.
2. The Magistrate Judge, Hon. Robert Norway approved that Motion but asked that I first confer with those Opposing Attorneys. (including 3rd parties)
3. While I was in the process of doing so, Lead Judge, Hon. Roy Dalton intervened and dismissed the case outright.
4. I appealed that Dismissal and the Appeal Court will not allow the release of those Discovery materials either, nor will they allow me to apply for the Assistance of a Pro Bono Attorney as permitted by Law (Due to the Complexity of Case).

As a Minority Citizen, I Find Myself Immersed in a Conundrum

1. Whenever I tried to hire an Attorney to assist me (i.e., Mr. Antonio Hernandez, Mr. Zeffery Mims, Ms. Monik Markus, Mr. Christopher Block, Mr. Matthew Dietz, Mr. Paolo Annino, The Altman Law Group, Attorney Whitehead, just to name a few) …they initially agreed (satying it was a good case), and then without a reason, they reneged and changed their minds in days.
2. Without help, I am forced to continue as a Pro se Litigant…And then I am abused by the Court system, and the Opposing Counsel (i.e. Attorney Mitchell, and Hon Judge, Mr. Dalton). Opposing Counsel will not follow The Rules of Civil Procedure, and the Court will not enforce it, etc.
3. I am feeling cornered with nowhere to turn to for help, in this, the Pursuit of Justice.

Seeking help from the Florida Bar Association, and the Florida Supreme Court

1. Since I presented Proof that Attorney Mitchell communicated with my Attorney, Ms. Jennifer Ford, without my permission or prior knowledge, and that led to the Dismissal of my Federal Case (6:22-cv-00-777) …. may I request the Bar's permission to subpoena those Attorneys' records myself?
2. May I also subpoena those Discovery Records myself...as it appears that they do not want **those Powerful Material to be released**. But they are important to me, and include Denial of my ADA Disability by the University, etc.
3. If I try to hire an Attorney to subpoena those records...I will be wasting my time and resources. **That Has Never Worked Due of Interference.**
4. Also, I am asking the Florida Bar's permission to subpoena Attorney Antonio Hernandez's Records during December of 2023. He took almost $1000 from me and within a week betrayed me. All of his

Professional misconduct pointed to possible collusion with the likes of Attorney, Richard Mitchell or someone from his Firm (Gray Robinson P.A.)

5. I filed a complaint against Attorney Hernandez and asked him to respond to my concerns and he hasn't. I am also pleading with the Florida Bar to ensure that he responds immediately (copy attached)
6. May I also seek the Help of the Supreme Court's to get those subpoenaed Records?

Thank you,

Sincerely,
Neil Cuff
Enclosures (4)

2.76 MB 3 files attached

FLORIDA BAR'S RESPONSES TO ATTORNEY MITCHELL COMPLAINT.pdf 1.87 MB

NON-RESPONSE FROM ATTORNEY ANTONIO HERNANDEZ.pdf 831.62 KB

NON-RESPONSE FROM ATTORNEY ZEFFERY MIMS.pdf 84.42 KB

Gmail

Agusta <ncuff08@gmail.com>

EXHIBIT "B"

Complaint, File No. 23-10381

Agusta <ncuff08@gmail.com> Wed, Jun 7, 2023 at 4:56 PM
To: ACAPIntake <acapintake@floridabar.org>, "Schuyler, Shanell M" <sschuyler@floridabar.org>
Cc: Jennifer Ford <Jennifer@jenniferford.lawyer>, "Richard (\"Rick\") E. Mitchell, Esq." <Rick.Mitchell@gray-robinson.com>, ncuff25@outlook.com

Dear ACAP Director, Ms. Schuyler, and ACAPIntake:

Could you please provide an update on Attorney Mitchell's Complaint?
I would like to provide the Federal Court with any findings.

Thank you,
Sincerely,
Neil Cuff

EXHIBIT "C"

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

NEIL CUFF,

Plaintiff

Case No.: 6-22-CV-00777

vs.

FLORIDA A&M UNIVERSITY & BOARD OF TRUSTEE in its official capacity; TAYANNA MARR, JESSICA WARTHEN, MARLON HONEYWELL, JOCELYN SPATES, MARVIN SCOTT, JASON MOBLEY, ARCHIE LENNARD, SOHEYLA MAHDAVIN, PATTY GHAVINI, and JOVIN MYLES, in their individual capacities,

Defendants.

_____/

IMPORTANT NOTICE TO THE COURT

Plaintiff, Neil Cuff would like to officially advise the Court that Opposing Attorneys, Mr. Richard Mitchell and Mr. Jerry Lewis filed motions to dismiss the 2nd Amended Complaint (on April 13th and 24th, 2023) of the above case, and never once conferred with Plaintiff.

I informed the Court earlier, and never received a response.

Respectfully Submitted today June 12th, 2023.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on June 12th, 2023, a true and correct copy of the foregoing was served via email on all parties of record; Attorney Savanah Clifton at Sannanah.Clifton@gray-robinson.com, and Attorney Jerry Lewis at jlewis555@aol.com.

Neil Cuff

Neil Agustus Cuff, Plaintiff
3681 Khayyam Ave, #4
Orlando, FL, 32826
Ncuff08@gmail.com

Gmail

Agusta <ncuff08@gmail.com>

EXHIBIT "D"

Attorney Richard Mitchell's Complaint, File No. 23-10381

1 message

Agusta <ncuff08@gmail.com> Mon, Aug 21, 2023 at 1:03 PM
To: "Schuyler, Shanell M" <sschuyler@floridabar.org>
Cc: AskDOJ@usdoj.gov, "Doyle, Joshua" <jdoyle@floridabar.org>, Fsc@flcourts.org, Neil Cuff <ncuff25@outlook.com>

Dear ACAP Director, Ms. Schuyler:

Months ago you promised to follow up with the relevant records pertaining to Attorney Richard Mitchell's Complaint.

I still haven't received those.

Could you please provide your very latest update by email today?

Thank you,

Yours Respectfully,
Neil Cuff

Follow-UP On Attorney Richard Mitchell's Complaint, File No. 23-10381

From KernelCuf@proton.me <KernelCuf@proton.me>

To sschuyler@floridabar.org, Fsc@flcourts.org, ACAPIntake<acapintake@floridabar.org>

CC askDOJ@usdoj.gov

Date Wednesday, November 6th, 2024 at 9:59 AM

Dear Florida Bar, and the Florida Supreme Court:

RE: Follow-Up on Attorney Richard Mitchell's Complaint, 23-10381

I filed a Federal Lawsuit against Florida A&M University in April 2022, regarding Violations of my Civil Rights. As a Pharmacy Student between 2014-2018, I was ill-treated, mostly due to my Background, and Ethnicity.

Leading up to the Filing date, I hired 2 Attorneys, but they later deserted me and took my fees (Attorneys, Steve Rossi, and Nathan Soowal). So, I filed that Lawsuit as a Pro se Litigant.

During the Trial Process (April 2022-June 2023), I was Legally abused:

The two Attorneys representing the University never once cooperated with me:

- I started the Discovery Process shortly after filing, and they never turned over a single Document. There was always a Legalese excuse.
- I tried my best to be patient.
- In early June of 2023, I thought they had been given enough Time, and Filed a Motion to Compel the Production of those Documents
- One of the Federal Judges on the Case, Hon Robert Norway responded and gave the green Light, but wanted me to first confer with all Opposing Attorneys (including those from 3rd Parties)
- As I was in the process of doing so... in came another Judge, Hon. Roy Dalton, who just halted everything and dismissed the case outright. It appears those Discovery Documents should not be released.

Possible Explanation

- Months earlier (March 2023), I was ordered to file a 2nd Amended Complaint. As a Pro se Litigant with Limited Resources, I hired an Assistant online Attorney, Ms. Jennifer Ford. She had assisted me with the 1st Amended Complaint earlier.
- This time around, she charged me hundreds of Dollars but was not cooperating as before.

- Through our Communications (phone, texts, and Emails), I began to glean that Attorney Ford was also Communicating with Opposing, Attorney Mitchell.
- And I also gathered that Attorney Mitchell was communicating ex-parte with Hon Judge Dalton or another Judge.
- **Examples:** In my Original Complaint, I listed the names of those Professors (as Defendants) who violated my Rights at the University. Attorney Mitchell gave unsolicited Advice, that I should remove them. During the 1st Amended Complaint, Ms. Ford never mentioned that issue, but later, she was giving me the exact advice as Mr. Mitchell...'word for word'.
- She also told me that Mr. Mitchell said that if I included anything else in the Complaint other than Disability and Race, The Judge said he was going to throw out the Case. **That was very troubling.**
- I wanted to add to the Amended case, that two Professors had made derogatory comments about my age...and that could have contributed to the terrible treatment I received.
- This time around, Attorney Ford told me outright that she was not including that in the Complaint. She mentioned that I was not paying her enough, and she had rent and other bills to pay.
- She wanted me to remove all those Defendants' names at the Last minute, and that I should send out voluntary notices. But I wasn't sure of the proper legal process.
- At that point, I was stuck...as it was the last hour to turn in the Complaint, and I couldn't find other legal help that late. So, I filed the Amended Complaint as it was.
- The next Day, Attorney Ford texted me. She admitted that she never used the Pacer Account to look up my case Filings...but she told me that she found out that I never removed those Defendants' names.
- That also proved that Attorney Mitchell communicated that information to her. When I asked Attorney Mitchell if he was communicating with Ms. Ford, I got no response.

Circumventing the Legal Process:

- As a Pro se Litigant with a family to care for, and with Limited resources, I followed the Rules of the Federal Court, and Applied for the help of a PRO BONO Assistant Attorney on numerous occasions. Even though the Case was very Complex, I was always Denied.
- I went as far as to contact the Director of Community Legal Services of Orlando region, Attorney, John Martino for help and advice.
- Another female Attorney recommended that I visit the Federal Court and request help from the Manager, Mr. Richard Banke. I did. He agreed that I was more than qualified for Pro Bono Assistance, and he was going to find out why I was denied so many times.
- It would appear that Attorney Mitchell used his Powerful connections to Circumvent the Legal Process.
- As mentioned by Attorney Ford, if Attorney Mitchell was communicating ex-parte with the Judges... that may explain why my case was dismissed the minute I started discovery and soon after the 2nd Amended Complaint was filed.

- And it could explain why I was always turned down for Pro Bono Assistance by Hon Judge, Mr. Dalton...Even though, the Manager, Mr. Banke was amazed at those decisions.

- Also, I recall that Attorney Ford never wanted to include the Disparaging remarks made by Defendants, Marvin Scott, and Tayanna Marr regarding my age. Attorney Mitchell may have also helped to draft that 2nd Amended Complaint as well. It was thrown out shortly after filing.

Seeking Help:

- When I filed my earlier Complaint against Attorney Mitchell, the Florida Bar advised me to request a Hearing with the Federal Court. I did, and Judge, Hon Dalton never responded.

- The Florida Bar also promised to conduct a thorough investigation, with the use of its Subpoena Powers. I never got those investigation results.

- Recently, I requested a Public Records Request on Attorney Mitchell's Complaints. I never got those Records either. I am formally requesting those again.

- I am pleading with the Florida Supreme Court, and the Florida Bar to conduct a thorough investigation into the activities of Attorney Richard Mitchell regarding my case. Did he damage my case, and was there unlawful contact with the Courts/Judges (Federal and Appeal) and with my Attorney, Ms. Jennifer Ford?

- I appealed my Federal Dismissal from Central District, Orlando, FL to the 11th Court of Appeal in Atlanta, Georgia...and they are also denying me the help of a Pro Bono Attorney, as well as the Production of those Vital Discovery Documents.

Thank you,

Sincerely,
Neil Cuff, Pro se Litigant

Re: Request for Public Records Regarding Richard Mitchell

From KernelCuf@proton.me <KernelCuf@proton.me>

To Chiocca, Anthony<achiocca@floridabar.org>

CC Doyle, Joshua<jdoyle@floridabar.org>, Fsc@flcourts.org

Date Thursday, November 7th, 2024 at 9:50 AM

EXHIBIT F"

Dear Bar Counsel, Mr. Chiocca:

Thank you for your response.

RE: Attorney Richard Mitchell's Public Records Request, File 23-10381

So, if I filed complaints against Attorney Richard Mitchell; wouldn't the Formal Investigation include interviewing witnesses and the subpoena of pertinent records?
That was what I was told by the ABA, when I reached out to them.

Thank you for your response.

Sincerely,
Neil Cuff
iPhone used, please excuse any errors

On Thu, Nov 7, 2024 at 9:31 AM, Chiocca, Anthony <achiocca@floridabar.org> wrote:

> Good morning,
>
> I have been notified of your request for Mr. Mitchell's complaint history. I apologize for any delay, but there were never any documents provided as Mr. Mitchell does not have any complaints or any discipline history throughout his career, outside of the complaint you made against him.
> Please let me know if you have any questions regarding this request.
>
> Anthony Chiocca
> Administrative Support IV
> Division of Lawyer Regulation
> The Florida Bar
>
> ---
>
> Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

EXHIBIT "G"

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

NEIL CUFF,

Plaintiff

Case No.: 6-22-CV-00777

vs.

FLORIDA A&M UNIVERSITY & BOARD OF TRUSTEE in its official capacity; TAYANNA MARR, JESSICA WARTHEN, MARLON HONEYWELL, JOCELYN SPATES, MARVIN SCOTT, JASON MOBLEY, ARCHIE LENNARD, SOHEYLA MAHDAVIN, PATTY GHAVINI, and JOVIN MYLES, in their individual capacities,

Defendants.

_____/

PLAINTIFF CUFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff, Neil Cuff hereby requests that Defendant FAMU, pursuant to Fed. R. Civ. P. 34, to produce true, correct, and complete copies of the following documents for inspection and copying to Plaintiff at 3681 Khayyam Ave, Unit 4, Orlando, FL, 32826, Ncuff08@gmail.com, in a manner agreeable to both parties 30 days from the date hereof, July 21st, 2023.

DOCUMENT REQUESTS

Please Provide:

1. **A Full Detailed Report** of Plaintiff Cuff's Grievance Complaint that was held on April 9th, 2018, and filed on April 16th, 2023. Including:
    a. What actions (if any) that were taken by the University as a result of the filing of the Complaint?
    b. An explanation as to why the Plaintiff never received those results 10 days after

the Complaint was filed, as per University's Policy?

2. Copies of Defendant Marlon Honeywell's phone and email records (only those that specifically mentions Plaintiff Cuff) for September 19th and 20th, 2018.

Respectfully Submitted today, June 21st, 2023.

Neil Cuff, Plaintiff
3681 Khayyam Ave. #4
Orlando, FL, 32826
Ncuff08@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been furnished to the following Attorneys, June 21st, 2023, to:

Attorney, Mr. Jerry Lewis, jlewis555@aol.com, and Attorney, Ms. Savannah Clifton, Savvanah.clifton@gray-Robinson.com

Neil Cuff, Plaintiff
3681 Khayyam Ave. #4
Orlando, FL, 32826
Ncuff08@gmail.com

Complaint Against Attorney Richard Mitchell, File No. 23-10381

From KernelCuf@proton.me <KernelCuf@proton.me>

To sschuyler@floridabar.org, barbara@lawbmc.com

CC Doyle, Joshua<jdoyle@floridabar.org>, Fsc@flcourts.org, pio@supremecourt.gov, ACAP Mail<acap@floridabar.org>

Date Tuesday, April 1st, 2025 at 7:15 AM

Dear ACAP Director, Ms. Schuyler, and Chair, Ms. Caldwell:

RE: Complaint Against Attorney, Richard Mitchell, File No. 23-10381:

In March of 2023, Attorney Ms. Jennifer Ford assisted me with a Federal Civil Rights Case: **Cuff vs Florida A&M University (6:22-cv-00-777).**

She inadvertently presented information to indicate that Opposing Attorney, Mr. Richard Mitchell, had reached out to her for interference purposes, and may have contributed to the drafting of my 2nd Amended Complaint (March 31st, 2023)

As soon as That Complaint was filed, the Hon Judge, Mr. Roy Dalton, dismissed it, ***even though Attorney Mitchell never once turned over a single Discovery Material/Document.***

She also mentioned that Attorney Mitchell had communicated with the Judge, ex parte as well (that information is already on File at the Bar)

I meticulously provided all the Proof information I received to the Florida Bar in my Complaint (**April 2023**).

Months ago, I received a Letter stating that the Case was being re-investigated (**a copy is attached below**).

Ms. Schuyler, and Chair, Ms. Caldwell, since I provided all that Evidence (which included text message and filing details), Could you please detail the process of the Investigation, i.e., **were Attorney Mitchell's Phone/Email Records subpoenaed by the Grievance Commitee?**

Thank you,

Sincerely,
Neil Cuff
Enclosure (Response from ACAP Director, and Chair)

652.81 KB 1 file attached

Gmail

EXHIBIT "I"

Agusta <ncuff08@gmail.com>

Correspondence from The Supreme Court of the United States

<No-Reply@supremecourt.gov>
To: <ncuff08@gmail.com>

Tue, Apr 22 at 10:16 AM

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

March 31, 2025

Neil Cuff
2626 E. Park Ave.
#11108
Tallahassee, FL 32301

RE: Cuff v. FAMU & Bd. of Trustees
USA11 23-12474

Dear Mr. Cuff:

The above-entitled petition for a writ of certiorari was postmarked March 19, 2025 and received March 31, 2025. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was October 23, 2024. Therefore, the petition was due on or before January 21, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Sincerely,
Scott S. Harris, Clerk
By:

Sara Simmons
(202) 479-3023

** I never Received This letter which was mailed off 03/31/2025. Clerk Ms. Sara just emailed to me.

[DO NOT PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 23-12474

Non-Argument Calendar

NEIL CUFF,

Plaintiff-Appellant,

versus

FLORIDA A&M UNIVERSITY & BOARD OF TRUSTEES,
in its official capacity,
TAYANNA MARR,
in their individual capacity,
JESSICA WARTHEN,
in their individual capacity,
MARLON HONEYWELL,
in their individual capacity,

JOCELYN SPATES,
in their individual capacity, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:22-cv-00777-RBD-RMN

Before WILSON, LUCK, and TJOFLAT, Circuit Judges.

PER CURIAM:

Neil Cuff appeals the denial of his motion for appointed counsel and the dismissal of his discrimination and retaliation claims under the Americans with Disabilities Act (ADA), the Rehabilitation Act, and Title VI of the Civil Rights Act. The District Court dismissed his case under Fed. R. Civ. P. 41(b) for failure to prosecute. Cuff contends that the District Court abused its discretion in two ways: first, by denying his request for counsel despite the complexity of his case and his struggles with the court's procedural requirements; second, by dismissing his case for failing to prosecute, despite his notifications about health challenges that delayed his filings. We affirm.

I.

Neil Cuff, proceeding *pro se*, sued Florida A&M University (FAMU) and several individuals alleging disability discrimination, retaliation, and civil conspiracy. Cuff claimed that FAMU and its officials repeatedly denied him ADA accommodations and financial aid while he was a student in the Pharmaceutical Sciences Program from 2014 to 2018. He alleged that, after he filed a grievance against FAMU for these denials, the school retaliated by expelling him and creating additional barriers to his completion of the program.

Cuff's lawsuit named the FAMU Board of Trustees and various administrators as defendants, accusing them of preventing him from obtaining his degree, sabotaging his academic progress, and ultimately blacklisting him from securing employment as a pharmacist. He also claimed that FAMU failed to send his ADA documentation to the Board of Pharmacy, which hindered his efforts to obtain accommodations for his pharmaceutical board exams.

Throughout the litigation, Cuff struggled with procedural rules and deadlines. He sought multiple extensions, citing health problems and his efforts to find an attorney. Although he initially met some extended deadlines, he often failed to comply with the District Court's requirement to confer with opposing counsel before filing motions, as required by Local Rule 3.01(g). The District Court repeatedly reminded Cuff that he had to meet deadlines.

On March 16, 2023, the District Court dismissed Cuff's first amended complaint as a shotgun pleading and allowed him to file

a second amended complaint. Cuff filed a second amended complaint, continuing to allege discrimination under the ADA, the Rehabilitation Act, and Title VI, and asserting that the FAMU defendants and others retaliated against him for seeking accommodations.

In response, the FAMU defendants moved to dismiss, and Cuff again sought more time, citing ongoing health issues and claiming he was close to retaining an attorney. The District Court granted some of Cuff's extension requests but warned that future requests would be denied without a showing of diligence. Despite this, Cuff missed a scheduled hearing and continued filing motions without properly conferring with opposing counsel.

On May 31, 2023, Cuff moved for appointed counsel, arguing that his health prevented him from managing the case and that the legal issues were complex. He also requested another extension to respond to the defendants' motions to dismiss. The District Court denied both motions, finding no exceptional circumstances to warrant the appointment of counsel and concluding that Cuff had not shown diligence in managing the case.

On June 29, 2023, after Cuff failed to meet deadlines and continued to file non-compliant motions, the District Court dismissed his second amended complaint without prejudice under Fed. R. Civ. P. 41(b) for failing to prosecute and under the Local Rules for failing to comply with court orders. It cited Cuff's repeated delays, missed deadlines, and continued non-compliance with MDFL Local Rule 3.01(g), emphasizing that he had been given ample opportunity to comply but had failed to do so.

II.

We review the denial of a motion to appoint counsel for abuse of discretion. *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999). An abuse-of-discretion review allows a range of choice for the district court, so long as that choice does not constitute a clear error of judgment. *See McMahan v. Toto*, 256 F.3d 1120, 1128 (11th Cir. 2001), *amended on reh'g*, 311 F.3d 1077 (11th Cir. 2002).

In civil cases, there is no constitutional right to counsel.[1] *Bass*, 170 F.3d at 1320. Courts should only appoint counsel when a case presents exceptional circumstances—where the facts or legal issues are so complex that a trained attorney is needed. *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993). The key inquiry is whether the *pro se* litigant can present the core of his case to the court. *Id.* Simply needing help is not enough. *See Bass*, 170 F.3d at 1320.

Here, the District Court did not abuse its discretion in denying Cuff's motion to appoint counsel. Cuff's situation did not reach the level of exceptional circumstances that warrants the

[1] The distinction between civil and criminal cases when it comes to appointing counsel is rooted in the gravity of each proceeding. In criminal cases, the Constitution guarantees the right to appointed counsel because what is at stake is a person's liberty, or even his life. The law recognizes that defending oneself against the government's power can be daunting. *See Gideon v. Wainwright*, 372 U.S. 335, 344–45 (1963). Civil cases, by contrast, usually involve disputes over property, contracts, or rights—important, yes, but they do not carry the same risk of a jail cell. So, the courts generally expect civil litigants to stand on their own, unless their situation is truly extraordinary. *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 26–27 (1981).

appointment of counsel. His claims—alleging discrimination and retaliation under the ADA and related statutes—were straightforward. He argued that FAMU failed to provide accommodations and then retaliated when he filed complaints. The legal standards for these claims are well established, focusing on whether Cuff was denied reasonable accommodations and whether adverse actions were taken because of his disability complaints. Cuff demonstrated his understanding of these issues by filing a second amended complaint that laid out the basis for his allegations against FAMU, including specific instances where he believed his rights were violated.

Moreover, Cuff's ability to articulate his claims and engage in the litigation process shows that he could handle the core of his case. He filed two complaints, addressed the defendants' arguments in his responses, and sought extensions when needed, citing health challenges. While he faced difficulties with procedural aspects—like adhering to deadlines and conferring with opposing counsel—these challenges did not impede his ability to present the essential facts and arguments of his case. His motion for counsel emphasized his health struggles and characterized the case as "complex," but these claims fall short. The decision to appoint counsel focuses on Cuff's ability to present his claims, not his desire for help in managing the burdens of litigation. Given that Cuff managed to communicate the crux of his arguments, the District Court's finding that he did not demonstrate exceptional circumstances was well within its discretion.

III.

We review a district court's dismissal under Rule 41(b) for an abuse of discretion. *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985). "Rule 41(b) authorizes a district court to dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules." *Gratton v. Great Am. Commc'ns*, 178 F.3d 1373, 1374 (11th Cir. 1999) (citing Fed. R. Civ. P. 41(b)). If a Court dismisses a case on multiple grounds, the appellant must challenge each ground to obtain a reversal. *Sapuppo v. Allstate Floridian Ins.*, 739 F.3d 678, 680 (11th Cir. 2014). Ignoring one ground is enough to require us to affirm. *Id.*

Here, Cuff challenges the District Court's dismissal for failure to prosecute, but he ignored the Court's other reason: his failure to follow local rules. That alone means we must affirm. *See Sapuppo*, 739 F.3d at 680.

Even setting aside this waiver, the record supports the Court's dismissal. Florida's four-year statute of limitations applied to Cuff's claims under the ADA, the Rehabilitation Act, and Title VI. *See Rozar v. Mullis*, 85 F.3d 556, 561 (11th Cir. 1996) (holding that Georgia's personal injury limitations period applied to a Title VI claim brought in Georgia); *Karantsalis v. City of Miami Springs, Fla.*, 17 F.4th 1316, 1320 (11th Cir. 2021) (holding that Florida's personal injury limitations period applied to ADA and Rehabilitation Act claims brought in Florida); Fla. Stat. § 95.11(3). Because Cuff's claims risk being time barred if he refiles, we treat his dismissal without prejudice as a dismissal with prejudice. *See Boazman v. Econ.*

Lab'y, Inc., 537 F.2d 210, 212–13 (5th Cir. 1976).[2] A dismissal with prejudice is an "extreme sanction" and "is plainly improper unless and until the district court finds a clear record of delay or willful conduct and that lesser sanctions are inadequate to correct such conduct." *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1338–39 (11th Cir. 2005).

Even under the heightened dismissal with prejudice standard, the District Court did not abuse its discretion. The District Court's findings that Cuff continually missed deadlines and willfully ignored court rules were backed by the record. *See id.* at 1339–40. Cuff's delays and failure to comply left the District Court with little choice but to dismiss his complaint. So, we affirm the Court's dismissal of his complaint.

IV.

In short, the District Court did not abuse its discretion in denying Cuff appointed counsel. And Cuff waived his challenge to his dismissal by failing to contest the District Court's second basis for dismissal—that he did not comply with the Court's rules. Even if he had not, we would still affirm because there was "a clear record of delay or willful conduct" supporting the District Court's decision. *See id.* at 1338–39.

AFFIRMED.

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[2] Decisions of the Fifth Circuit issued before October 1, 1981, are binding precedent on this Court. *Bonner v. City of Pritchard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc).