

Supreme Court, U.S.
FILED

JAN 03 2018

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Civil Case No. _____

IN THE UNITED STATES SUPREME COURT

***PETITION FOR WRIT OF CERTIORARI TO THE
FLORIDA SUPREME COURT***

Terry Fish-, Petitioner Pro Se
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Pam Bondi , Attorney General of Florida , Respondent
The Capitol PL-01
Tallahassee , Fla. 32399-1050
(850-414-3300)

QUESTION PRESENTED

Does the failure of a state court to give specific legal reasons for a Decision violate clearly established fundamental right to appeal ?

TABLE OF AUTHORITIES

Cases	Page No.
American and Foreign Insurance Co., v. William Bolt , (6 CA , 95-2773 , 1997)	4
Clay v. United States , 402 US 698 , (1971)	3

CONSTITUTIONAL PROVISIONS

Artcle IV , Section 2 , Clause 1	3
Fourteenth Admendment	3

LIST OF PARTIES

- 1) Elon Property Management and the Miguel Apartments ,
State Court Defendants
- 2) Second District Court of Appeals for the State of Florida

OPINIONS BELOW

The decision of the Second District Court of Appeals for the State of Florida for Civil Cases 2D15-5759 and 2D15-5116 is dated March 18, 2016 and shown as Appendix A , and the order of November 6 2017 as Appendix B.

The Florida Supreme Court decision denying review is dated December 13th , 2017 and is shown as Appendix C. The Petitioner seeks review of this order to determine the validity of the Second District Court of Appeals failure to give specific legal reasons for its denials of the petitioners request to reinstate and combine the two appeals.

JURISDICTION

This Court has jurisdiction pursuant to Federal Statute 28 USC 1257 as the decision of the Florida Supreme Court is the highest Court in which a decision can be had.

STATEMENT OF THE CASE

This petition concerns the failure of the Second District Court of Appeals of Florida to give a specific legal reason for denying the Petitioner's request to have his state petition for reinstatement And combining of two (2) civil cases , and the denial of review by The Florida Supreme Court of what it calls " unelaborated " Opinions.

REASONS FOR GRANTING THE WRIT

The Petitioner filed an appeal in the Second District Court of Appeals of the State of Florida concerning an apartment eviction and the subsequent failure of the state court defendant Elon Property Management , to return all bedding and bedding material as required by Florida Law. The Petitioner was assigned two (2) Civil appeal case numbers designated 2D15-5116 and 2D15-5759. The appeal for 5759 was filed on January 22 , 2015. (Doc. D). The Petitioner attempted to have the two cases combined for Judicial economy. (Doc. E) This was done on March 1 , 2016. The state appeals court filed an order on January 25 , 2016 for the

Petitioner to file a petition with appendices. (Doc. F)

The Petitioner did not file the petition as the addendum of December 22 , 2015 (Doc G), dealt with the apartment eviction which was civil case 5759 , and failure to return the bedding was case 5116. The appeals court order of March 18, 2016 and of November 6 , 2017 , fails to provide a reason of explanation. This “ unelaborated “ , summary decision denies the fundamental right to have his case properly adjudicated in violation of the due process clause and the equal justice under the law clause of the fourteenth amendment of the US Constitution. The US Supreme Court has ruled that in order for the public to understand the legal system a court must give a basis for its decision. In the US Supreme Court ruling of *Clay v. United States* , 403 US 698 (1971) the ruling of the draft board was reversed as it failed to give a specific legal reason for its decision. Under Article IV , section 2 , clause 1 , the Petitioner is entitled to the same rights as the citizens of the several states. In the Sixth Federal Circuit , the state courts are required to explain their decisions.

As stated in the opinion of *American and Foreign Insurance Company v. William Bolt* , (6 CA , 95-2773 , 1997) ;

“ The magistrate concluded , without explanation , that a Michigan court would adopt this rule. The magistrate’s summary states his conclusion but fails to specify any source consulted or any analysis which would lead him to the decision. This type of summary decision which completely lacks any form of support or explanation of reasoning fails to meet the standard....”

The Petitioner is entitled to the fundamental right to justice

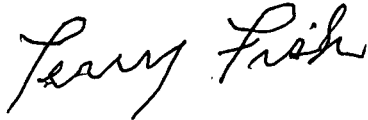
RELIEF SOUGHT

The Petitioner seeks to have the Florida Supreme Court review his addendum for civil case 2D15-5116 , and combine both cases, or in the alternative have the case remanded to the Second District Court of Appeals of Florida to develop a record sufficient for review.

CONCLUSION

For the afore mentioned reasons , the Writ should be granterd.

Submitted this date of December 29, 2017 by the Petitioner Pro Se



Terry Fish