IN THE UNITED STATES SUPREME COURT

Christopher J. Rahaim
Appellant/Petitioner
v
Nancy M. Ley, Bruce Bartlett
State of Florida
Appellees/Respondents

11 Circuit Appeals Court, Case No: 25-10142-F

MOTION FOR EXTENSION OF TIME

1. Pursuant to rule 30, U.S. Supreme Court, Appellant/Petitioner Christopher J. Rahaim, respectfully requests this honorable court for a 60 day extension of time to file a Petition For Writ of Certiorari, pursuant to rule 10 of this Court.
2. Appellant/Petitioner seeks review of an order dismissing an appeal, rendered on February 5th, 2025. The 90 day deadline to file this petition will expire on May 6th, 2025.
3. There are extraordinary circumstances involving the highest levels of controversy through the perpetration of a criminal conspiracy by State and Federal officials.
4. The Federal Appellate Court has decided a question of federal law that conflicts with relevent decisions of other Appellate Circuits and this U.S. Supreme Court, resulting in a fundamental miscarriage of justice by State and Federal Constitutional violations, resulting in the prolonged arbitrary detention of this Petitioner, violating International Law.
5. The Federal Appellate Court has adopted a district courts ruling, willfully depriving substantive rights, departing from the accepted, usual course of judicial proceedings requiring the exercise of this Court's supervisory power, pursuant to Rule 10(a).
6. Appellant/Petitioner is the actually innocent victim, falsely imprisoned by government actions. The adverse litigants/defendants, state judge, state prosecutor and the Florida Attorney Generals Office are perpetrating malicious actions with connivance in this Petitioners defeat. Prison employees are executing a fraudulent scheme to impede, delay, sabotage Petitioners access to courts, the law library, the production of documents to be used in official proceedings, obstructing justice depriving rights under color of law.
7. Appellant/Petitioner has been prevented from meeting 5 deadlines through fraudulent

acts confining him twice in three months. This impedes the legal mail process and deprives him of timely copies and the word processing of necessary documents to mail to the courts. Every registered deadline has been intentionally diverted, requiring the filing of multiple Motions To Extend Time, No computer access in confinement.

8. Appellant/Petitioner's case is extraordinary with merit and overwhelming, supporting evidence. Deprivations of Constitutional Rights to Speedy Trial, exonerating purchased records, judgments of acquittal and release from custody, are willfully occurring.

9. The specific issues are detailed in The Initial Brief of a case dismissed by fraudulent claims of statutory law requiring the pre-payment of filing fees where this Petitioner is entitled and is already proceeding Pro-se in forma pauperis. This diversionary, deceitful tactic is only to prevent access to courts and the submission of documents challenging the State's assimilated process authorizing Florida racketeering.

10. Appellant/Petitioner has cited the vague and ambiguous wording doctrines providing the impact of actuality and the review by this court under the stare decesis doctrine. (see enclosed Initial Brief)

11. Appellant/Petitioner has never had his day in court. He has been deprived of a true contest of the merits and an official jury trial. No reasonable finder of fact could ever find him guilty. Overwhelming evidence submissions have been disregarded supporting his claims for extrinsic fraud. Judges rulings prove criminal intent refusing to address and correct clear, prolonged arbitrary detention.

12. This Court denied his Petition For Writ of Certiorari, case #20-6168. He foretold that the federal judges would refuse to give him lawful relief. Now, 5 years later, he prays this court will hear and find his cause is for the just preservation of American Liberty as opposed to the tyrannical incarceration of innocent citizens. This Court must honor the spirit of liberty in the founding fathers intent.

Accordingly, Appellant/Petitioner requests 60 days extension of time to adequately prepare his Petition For Certiorari and prays this court is sympathetic to his cause taking Judicial Notice of the malicious actions of those who prefer oppression over justice.

Respectfully Submitted: Christopher Cohen
Pro-se

CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion For Extension of Time was mailed to the defendant State of Florida through counsel, Florida Attorney General, The Capitol PL-01 Tallahassee, Fl. 32399 on this day of April 2025.

signed: Christopher Rebeiro

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 25-10142-F

CHRISTOPHER J. RAHAIM,

Plaintiff - Appellant,

versus

CIRCUIT COURT JUDGE, SIXTH JUDICIAL CIRCUIT OF FLORIDA,
STATE ATTORNEY, THE SIXTH JUDICIAL CIRCUIT OF FLORIDA,
Pinellas County,
OFFICE OF THE STATE ATTORNEY,
Pinellas County
STATE OF FLORIDA,

Defendants - Appellees.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Christopher J. Rahaim has failed to pay the filing and docketing fees to the district court and file a Transcript Order Form and failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules.

Effective February 05, 2025.

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

FOR THE COURT - BY DIRECTION

CASE NUMBER 25-10142-F

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

INITIAL BRIEF OF APPELLANT

APPEAL FOR A DISTRICT COURT ORDER DISMISSING A COMPLAINT AND AN ORDER DENYING THE RULE 59 MOTION TO ALTER OR AMEND JUDGMENT OR ORDER

DISTRICT COURT NO;
8:24-cv-01721-TPB-SPF

Christopher J. Rahaim (A.K.A. Rahim) – Plaintiff/Appellant

v.

Bruce Bartlett, Nancy M. Ley
Office of the State Attorney
State of Florida
Defendants / Appellees

Title 42 U.S.C. §1983 COMPLAINT

Attorney General of Florida as Counsel
PL-01 The Capitol
Tallahassee, Florida 32399

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U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT (CIP)

Christopher J. Rahaim (A.K.A. Rahim) v. *Nancy M. Ley et. al. Appeal #25-10142-* F

Pursuant to 11th Cir. Rule 26.1-1(a), this is a list of all interested parties to this Appeal. Listed in alphabetical order.

1. *Bartlett, Bruce;* State Attorney, Pinellas County.

2. *Ley, Nancy M.;* Circuit Judge, Pinellas County.

3. Office of the State Attorney, Pinellas County.

4. State of Florida.

Submitted by:

Signature: Christopher J Rahaim
Christopher J. Rahaim

Name: Christopher J. Rahaim
Christopher J. Rahaim (A.K.A. Rahim) DC#R023247

Address: Union Correctional Institution
P.O. Box 1000
Raiford, Florida 32083

TABLE OF AUTHORITIES

Page(s)

ADDENDUM OF CASES

Key: C/els = cited elsewhere.

JURISDICTIONAL STATEMENT

District Court

1. The federal district court has jurisdiction under Article III §2, Clause 1 of the United States Constitution.

2. The court has jurisdiction under Title 42 §1983 for official capacity claims by Florida's custom and policy as the moving force behind the constitutional violations. see: *Monell v. New York Dept. of Social Services,*436 U.S. 658 (1978) and for individual capacity claims for willful violations of current established constitutional rights under color of state law that a reasonable mind would know is depriving rights. see: *Hafer v. Melo,* 502 U.S. 21 (1991).

3. The court has jurisdiction for violations of the 1st, 4th, 5th, 6th, and 14th Amendments, of the United States Constitution, under Title 28 U.S.C. §1331. see: *Scott v. Dunn,* 2023 U.S. Dist. LEXIS 42488 (11th Cir. 2023).

4. The court has jurisdiction, pursuant to Title 28 U.S.C. §1331 and §1343(a) for state perpetrated extrinsic fraud. see: *Moffett v. Robbins,* 14 F. Supp 603 (D. Kansas, 1935).

5. The court has supplemental jurisdiction under Title 28 U.S.C. §1367 for state violations of breach of contract that provide federal court jurisdiction for due process violations of the 5th and 14th Amendments by the state's failure to provide an adequate process to remedy. see: *McKinney v. Pate,* 20 F. 3d 1550 (11th Cir.

1994); *Shows v. Morgan,* 40 F. Supp. 2d 1435 (11th Cir. 1999). Deprivation of requested, purchased public records encompasses both liberty and property interests.

6. Supplemental jurisdiction under §1367 is provided because state and federal claims are derived from a common nucleus of operative facts. see: *United Mine Workers of America v. Gibbs,* 383 U.S. 715 (1966); jurisdictional clause II on page 3 of the Complaint.

Appellate Court

7. The Appellate Court has jurisdiction under Article III §2 Clause 1 of the United States Constitution.

8. The court has jurisdiction pursuant to Title 28 U.S.C. §1291 and rules 3 and 4 fed. r. app. procedure for the final order dismissing this cases complaint.

District Court Loses Jurisdiction

9. The district court lost jurisdiction over the contested issue of whether Plaintiff/Appellant can be charged 3 strikes for underlying criminal litigation falsely applying 28 U.S.C. §1915(g). see: *Mahone v. Ray,* 326 F. 3d 1176 (11th Cir. 2003); *Doe v. Bush,* 261 F. 3d 1307 (11th Cir. 2001); *Martin v. U.S.,* 96 F. 3d 853 (7th Cir. 1996).

10. The district court order, denying Plaintiff/Appellant's Motion For Leave To Appeal In *Forma Pauperis,* rendered on February 12th, 2025, is void for lack of

jurisdiction. see: *Johnson v. Woods,* U.S. Dist. LEXIS 19051 (6th Cir. 2013); *Workman v. Tate,* 958 F. 2d 164 (6th Cir. 1992). This appeal is an appeal of right. see: *Carroll v. Gross,* 984 F. 2d 392 (11th Cir. 1993).

11. The order dismissing the appeal is not taken in good faith. The district court cannot rely on its own erroneous ruling, applying §1915, because this is the issue on appeal. It is fundamentally unfair and Plaintiff/Appellant's issues in the Complaint are of the highest levels of controversy. Bias and political partisanship, by the judge, acting as advocate for the defendants, relieves the defendants of the burden to rebut the presumption of undue influence and fraud falsely imprisoning him. see: Fla. Stat. §90.302; Rule 301 fed. f. evidence.

STATEMENT FOR ISSUE OF REVIEW

Under the *De Novo*, Abuse of Discretion, Plain Error standards, the case and complaint in the district court must be reinstated. The plain error by district judge Thomas Barber should be acknowledged and found to be a continuance of rights deprivations. The state courts refuse to provide an adequate process to remedy the deprivation of Plaintiff/Appellant's rights to exculpatory purchased public records, speedy trial, judgment of acquittal, self-representation and the right to be heard. The bad faith exception for federal relief has been established. Every constitutional right of the Plaintiff/Appellant and every step of due process has been knowingly and willfully violated. The state and district courts have willfully refused to apply and follow constitutional, statutory, evidentiary and administrative laws prejudicing the Plaintiff/Appellant resulting in a fundamental miscarriage of justice. Every argument, supported by overwhelming evidence and legal merit, mandates the enforcement of Plaintiff/Appellant's rights. All courts have refused to allow Plaintiff/Appellant to be heard, or a true contest of the merits to present fraudulently concealed evidence of actual innocence, bad faith, fraudulent prosecutions of non-existent crimes, and connivance by officials obstructing justice depriving rights under color of law.

The courts and defendants have never denied the existence of or presented refuting evidence in reference to Plaintiff/Appellant's claims of fraud. The district

Court's orders dismissing the Complaint and denying the Rule 59 Motion to Alter or Amend Judgment or Order, all erroneously applying 28 U.S.C. §1915, should be reversed. Plaintiff/Appellant is indigent and the proper administration of justice obligates where a falsely imprisoned victim of fraud presents evidence supporting, raising the presumption of undue influence, the opposing party failing to rebut, he is entitled to be heard without costs. This is a proceeding, under §1983, in lieu of habeas corpus proceedings, needed because the Plaintiff/Appellant is not a prisoner and not in custody for one case. The federal court would have no jurisdiction to process habeas petitions in state case 06-23073. Issues, surrounding the abuses of discretion, by the political partisanship of district judges, must be reviewed where a pattern of bias and plain errors exist with an intent to prevent a party from being heard, where in this case, deprivation of rights has occurred through the obstruction of justice and willful refusal to address and correct clear, unlawful, arbitrary detention.

STATEMENT OF THE CASE

1. The Complaint in his case cites intrinsic and extrinsic fraud by the state and defendants. Plaintiff/Appellant is being deprived of substantive rights to self-representation, speedy trial, judgment of acquittal and the purchased public records, exculpatory evidence proving all these claims.

2. Plaintiff/Appellant exhausted all state remedies and was impeded from filing meaningful habeas petitions in state and federal courts because of state created schemes to fraudulently conceal new light evidence and documents proving the fabrication of evidence and all false testimony of every prosecution witness.

3. Plaintiff/Appellant brought a 42 U.S.C. §1983 Complaint containing **3** separate counts for the deprived rights of self-representation, speedy trial, purchased public records and evidence proving his actual innocence. In bad faith, the state courts and defendants are intent at permanently concealing and suppressing all documents violating due process obstructing justice.

4. By an abuse of discretion and plain error, district judge Thomas Barber, dismissed the Complaint,erroneously applying 28 U.S.C. §1915 and the 3 strikes rule in §1915(g), requiring the indigent Plaintiff/Appellant to refile and pre-pay. Appellant is now time barred and irreparably injured by the judge's ruling.

5. Plaintiff/Appellant filed a Rule 59 Motion to challenge the dismissal as a clear, plain error arguing that §1915 does not apply, that Plaintiff does not have three

strikes, and the Complaint should be reinstated without cost to the Plaintiff/Appellant.

6. There is a dispute of fact, requiring a hearing on the issue of the erroneous application of §1915(g). Plaintiff/Appellant filed the Notice of Appeal.

7. Despite the Plaintiff/Appellant already having been approved to appeal in *Forma Pauperis* in the federal 11th circuit court of appeals, the court clerk applied the challenged finding that Plaintiff/Appellant has three strikes ordering him to pay $602 or the case would be dismissed. Through an untimely transfer and late mailing of the docketing notice, Plaintiff/Appellant was not properly served the order of the court clerk until four (4) days after the deadline expired, rendering him unable to comply. This service was on February 4th for an order rendered on January 17th, 2025, 18 days later.

8. Plaintiff/Appellant has knowledge of and was victimized by the bad faith extrinsic fraud tactics by state officials using an untimely transfer in a fraudulent scheme to prevent him from being able to timely respond and comply with an order of the court. This has happened before.

9. Three orders from the courts all were simultaneously mailed the week Plaintiff/Appellant was transferred.

10. With anticipation of the arrival of this cases docketing notice, Plaintiff/Appellant pre-mailed the CIP document to the court on February 3rd,

2025. He had been fraudulently confined and put on property restriction for four (4) days from January 28th until January 31st. That Friday, the 31st, was the deadline date, unknown to the Plaintiff/Appellant. The first chance he had to receive his property and mail legal documents was Monday, the 3rd of February, which he did on the 3rd.

11. Showing bad faith and an intent to dispose of this case, the docketing notice/court order did not contain the usual blank CIP and transcript order forms. It only stated the appeal would be dismissed, pursuant to the three strikes rule in §1915(g) if Appellant did not pay. The order was non-compliable.

12. In good faith, showing due diligence, the Plaintiff/Appellant immediately wrote and sent, the next day February 5th, the Motion For Leave to Appeal In *Forma Pauperis* to address the issue that §1915 cannot apply, he does not have three strikes, is already proceeding in *Forma Pauperis*, and to waive the filing fee and process the Appeal.

13. Later that day, February 5th, the appellate court clerk dismissed the case. The CIP document and motion for leave, filed on the 3rd and 5th were not given the mailbox filing rule consideration.

14. Appellant has filed the "Motion To Reinstate Appeal, Notice of Bad Faith Fraud" on February 19th. The motion to recall the mandate was also filed to comply to reinstate this case. All events and fraudulent actions were alleged in these

motions with an attached exhibit 1 documenting the prisons refusal to process initial brief requests and return outgoing legal mail documents to comply. This Initial Brief had to be sent late, out of time in the hopes of the appeals reinstatement.

SUMMARY OF THE ARGUMENT

15. This appeal is for the erroneous dismissal by the district court, *sua sponte*, of a Complaint, fraudulently applying 28 U.S.C. §1915 as a method to prevent the Plaintiff/Appellant from being heard or accessing the federal court. Plaintiff/Appellant is indigent and was already approved to proceed in *Forma Pauperis* in another appellate case #24-12630-G.

16. The district court judge knew Plaintiff/Appellant was impoverished, indigent and could not pay the filing fee and re-file the Complaint, because he is and was, time barred to re-file. Plaintiff/Appellant is irreparably injured resulting in a fundamental miscarriage of justice by the court's abuse of discretion.

17. There's multiple legal doctrines providing Plaintiff/Appellant should not be required to pay the filing fee. This appeal is an appeal of right involving criminal litigation proceedings with a liberty interest. Habeas proceedings require no cost, but are not available to the appellant because he is not being held in one case and he is being impeded in the other case from filing a meaningful habeas petition by the fraudulent concealment of purchased public records. These records prove violations of substantive due process rights by a prosecutor's willful fabrication of evidence and total false testimony resulting in the false imprisonment of the appellant. see: *Zahrey, Imbler* (infra); *Carroll v. Gross* (Supra).

18. The Appellant should be allowed to proceed in *Forma Pauperis* on appeal. He has made rational arguments of law, his Complaint and appeal have not been found to be frivolous. He has shown fundamental constitutional rights violations in underlying criminal proceedings. see: *In Re Green; Wolff* (infra).

19. The statutory law contained in 28 U.S.C. §1915(g) specifically applies only to prisoner civil litigation for conditions of confinement. see: *Martin; Madden* (infra). The statute provides the Plaintiff must be a prisoner. Appellant is not in custody for case 06-23073. see: *Maleng, Blanco, Morrow* (infra). The filing fee provisions in §1915 do not apply. see: *Ojo* (infra). Finally, §1915(b)(4) states;access to court rights cannot be deprived if a prisoner cannot pay the filing fee.

THE ARGUMENT

20. Plaintiff/Appellant is the victim of fraudulent prosecutions of non-existent crimes. He was suing real estate investors in civil court. The investors could not prevail so they planned an unconscionable scheme to falsely imprison the Plaintiff/Appellant. Police were paid and used confidential informants, they were using for sex, to seek out the Plaintiff/Appellant and fabricate sexual battery charges when no sex occurred with the Plaintiff/Appellant.

21. Overwhelming evidence of actual innocence and conspiracy to falsely imprison Plaintiff/Appellant has been presented to all state and federal courts including the United States Supreme Court. A List of 111 facts, proofs and elements with over 100 verifying exhibits show the accusers were lying by at least 50 prior inconsistent statements and tangible evidence items being fraudulently concealed. With all the evidence available and concealed, being presented in a true contest of the merits, no reasonable finder of fact could find the Plaintiff/Appellant guilty. There is an insufficiency of evidence to sustain any conviction entitling Plaintiff/Appellant to judgments of acquittal and release from custody.

22. The defendants and state courts are engaged in a continuing violation and fraudulent scheme to deprive rights to self-representation, speedy trial and public records proving all claims of the Plaintiff/Appellant. He exhausted all state

remedies and brought a §1983 Complaint challenging the substantive and procedural due process rights violations by the state court and defendants.

23. Acting as an advocate, for the state, in a prosecutorial role, district court judge, Thomas Barber, dismissed the Complaint *sua sponte*, falsely alleging Plaintiff/Appellant has 3 strikes, pursuant to 28 U.S.C. §1915(g). Plaintiff/Appellant contested the court's ruling filing a rule 59 motion to alter or amend judgment or order.

24. The district court abused its discretion, committing plain errors, falsely refuting Plaintiff/Appellant's claim that he has no strikes and §1915 does not apply, for multiple reasons, to this case. The denial of the rule 59 motion and the dismissal of the Complaint has resulted in the filing of the notice of appeal.

25. In connivance in the Plaintiff/Appellant's defeat, all parties and courts are engaged in conspiracy against rights, obstructing justice, impeding and preventing Plaintiff/Appellant from his substantive rights to be heard and access the courts by *sua sponte* dismissals of three Complaints and denials of all claims in the state courts. see: *Wolff v. McDonnell,* 418 U.S. 539 (1974) ruling the right of access to courts is founded in the due process clause and assures that no person will be denied the opportunity to present to the judiciary allegations concerning violations of constitutional rights. see: *Lewis, Christopher* (infra).

DENIED ACCESS TO COURTS

26. Right of access to court's challenges arise from several sources including the 1st, 5th, and 14th Amendments of the U.S. Constitution. see: *Christopher v. Harbury,* 536 U.S. 407 (2002); *Chappell v. Rich,* 340 F. 3d. 1279 (11th Cir. 2003). §1983 access to court claims must show injury. see: *Lewis v. Casey*, 518 U.S. 343 (1996) ruling that depriving a person of an arguable, though not yet established, claim inflicts injury. see: *Ryland v. Shapiro*, 708 f. 2d 967 (5th and 11th Cir. 1983).

27. The failure of police and prosecutors, including defendant State Attorney Bruce Bartlett, to disclose material, exculpatory or impeachment evidence is a cognizable injury under the due process clause of the 14th Amendment. see: *McMillan v. Johnson,* 88 f. 3d 1554 (5th and 11th Cir. 1996). Law enforcement had a duty to disclose exculpatory evidence to prosecutor. Prosecutor has failed his duty to disclose evidence to the defense. Obstruction of Justice is found where there is perjury, the prosecutor knew the testimony was false and failed to correct the fraud. see: *United States v. Vallejo*, 297 F. 3d 1154 (11th Cir. 2002); *Giglio v. United States,* 405 U.S. 150 (1972); *Mooney v. Holohan*, 294 U.S. 103 (1935).

ENTITLEMENT TO RECORDS SHOWING IMPEACHABILITY

28. Plaintiff/Appellant is entitled to documents to assist in cases where witness are impeachable. see: *Jencks Act 18 U.S.C. §3500*; Rule 16(a)(1)(c) fed r. crim.

procedure; Fla. Stat. §90.104(1)(a)(b); §90.608(5) rule 3.220 fla. r. crim. proc.

29. Records showing impeachability must be produced before trial. see: *Kyles v. Whitley,* 514 U.S. 419 (1995); *United States v. Bagley*, 473 U.S. 667 (1985). The evidence is material and must be produced if it will show the result of the proceeding would have been different had the evidence not been suppressed. In this case in state court, defense counsels "motion for judgment of acquittal" would have been granted. see: *Rogers v. State,* 782 So. 2d 373 (Fla. 2011). Plaintiff/Appellant's 14th Amendment due process/access to courts rights were lost when officials concealed key facts that would form the basis for redress by the impeachability of all witnesses. see: *Ryland* (Supra).State prosecutors cannot claim ignorance to evidence insufficiency to subvert the judicial process. see: *A.L.H. v. State,* 773 So. 2d 1192 (Fla. 4th DCA 2000) ruling the prosecutor is presumed to have knowledge of all documents in the state's file and must disclose impeaching evidence to the defense.

30. A conviction obtained using false testimony cannot stand. see: *Giglio ; Mooney* (supra), totally false testimony amounts to a sham trial. The defendants possible argument, that no official trial has been held, does not relieve the constitutional obligation to provide Plaintiff/Appellant the requested purchased public records,

because they all show state's witnesses lied in pre-trial depositions and are impeachable. see: *U.S. v. Bagley; Kyles* (Supra).

THE FREESTANDING RIGHT TO PUBLIC RECORDS

31. Plaintiff/Appellant has a freestanding, absolute constitutional right to the public records he purchased. This common law right has been characterized as fundamental to a democratic society. The enforcement of this right does not depend on whether the Plaintiff/Appellant needs the documents for a proprietary interest or as evidence in a lawsuit. see: *Nixon v. Warner Communications Inc.,* 435 U.S. 589 (1978); *Drete v. Haley*, 541 U.S. 386 (2004); *Newman v. Graddick,* 696 F. 2d 796 (11th Cir. 1983); *Henderson v. Florida,* 754 So. 2d 319 (Fla. 1999). Plaintiff/Appellant's right is freestanding not requiring him to show anything except that he paid for the records.

32. Florida law gives Plaintiff/Appellant a substantive right to the public records paid for and requested. see: Article 1 §24 Fla. Constitution; Fla. Stat. §119.01 public records act; *Bryan v. State,* 748 So. 2d 1003 (1999); *Buenoano v. State,* 708 So. 2d 941 (Fla. 1998). Records must be produced despite incriminating results to their maker. see: *Conner v. Alderman,* 159 So. 2d 890 (Fla. 2nd DCA 1964). Rule 3.220, fla.r.crim.procedure, may not be limited or expanded by Florida Statute §119.01.

33. Plaintiff/Appellant's showing of materiality, additionally gives rights by federal law and the 14th Amendment's equal protection and due process to the requested documents. see: *The Armstrong Decision,* rule 16(a)(1)(c) Fed.R.Crim. Procedure; The Jencks Act, 18 U.S.C.S. §3500; Everyman's Evidence Doctrine; Fundamental Miscarriage of Justice Doctrine; New Light Evidence Doctrine.

34. Public records must be made available to all members of the public. Material, in connection with pre-trial motions, that require judicial resolution on the merits, is subject to the common law right to public records. see: *Romero v. Drummond,* 480 F. 3d 1234 (11th Cir. 2007). This right is what secures the integrity of the judicial process. see: *United States v. Wright,* 2023 U.S. Dist. LEXIS 74388 (11th Cir. 2023) ruling; any motion presented to the court to invoke its power or affect its decisions is subject to the public's right of access. see: *Callahan v. United Network For Organ Sharing,* 17 F 4th 1356 (11th Cir. 2021).

35. The police report requested in clause 54 of the Complaint is a public record. The Fire Dept. dispatch records requested in clause 54 are public records. The alibi witness transcripts proving Plaintiff/Appellant's actual innocence, being 40 miles away from a non-existent crime scene, were purchased and not provided. The order document, granting defense's motion to compel DNA paperwork, is a public record that was literally stolen from the clerk's file and missing, witnessed by Frank Martin. (see: affidavit exhibit 39). Fraudulent concealment of these records

shows the bad faith obstruction of justice by all officials and defendants. The records show the cover-up of new light evidence exonerating Plaintiff/Appellant and the entitlement for him to proceed in all courts in *forma pauperis*. He has made a showing of fundamental constitutional rights violations in underlying criminal proceedings. see: *Cofield v. Alabama Services,* 936 F. 2d 512 (5th, 11th. Cir. 1991). The mandamus petitions for the production of these records were all denied. This was procedural, criminal litigation, not civil in nature. §1915 does not apply. see: *Martin v. United States,* 96 F. 3d 853 (7th Cir. 1996); *Madden v. Myers,* 102 F. 3d 743 (3rd. Cir. 1996). The denial of the court for Plaintiff/Appellant to appeal in *Forma Pauperis* is plain error. The application of §1915(g) is statutory mistake, because the wording only applies to civil litigation.

28 U.S.C. §1915 DOES NOT APPLY

36. 28 U.S.C. §1915 does not apply. The district court committed plain error showing bad faith, dismissing the Complaint, ordering the Plaintiff/Appellant that he could re-file and pay the filing fee despite the facts that he has nor receives any money and he is time barred to re-file.

37. The district court abused its discretion denying the rule 59 motion to alter or amend judgment. Plaintiff/Appellant made rational arguments of law, citing each case and circumstance, that he does not have three strikes to base the refusal to

allow him to proceed in *forma pauperis* on and not prepay the filing fee. There are multiple reasons why §1915 does not apply.

38. There are manifest errors of law and fact in the order dismissing. The order is void. Decisions of the court were reached contrary to law and statutory wording defining §1915. Prior court rulings do not provide the necessary elements for a strike, and the blatant refusal to correct bad faith deprivations of Plaintiff/Appellant's constitutional rights occurred. The court's ruling causes irreparable injury resulting in a fundamental miscarriage of justice and prevents his right to be heard and access the court. These errors entitle relief, pursuant to rule 59(e). see: *Arthur v. King,* 500 F. 3d 1335 (11th Cir. 2007).

39. Plaintiff/Appellant has been prevented by every court from ever being heard on the merits of the state's unconstitutional assimilated process. He has facts and evidence supporting his claims all on his side. see: *Rivera v. United States,* 761 F. Supp. 126 (11th Cir. 1991); *Baker v. Baker ECCLES,* 242 U.S. 394 (1917) ruling any case presenting the question of substantive rights violations should be resolved in favor of setting aside an order dismissing where a litigant has not been afforded an opportunity to be heard on the merits.

40. Contrary to the district court's order, no cited cases in the order count as a strike, pursuant to §1915(g). Plaintiff/Appellant has no strikes, this being the sole

basis for the dismissal of the Complaint, requiring the reversal of the dismissal and the reinstatement of the Complaint.

41. District court judge, Thomas Barber, has overridden the cited cases original wording and intent in bad faith. None of these orders dismissing provides Plaintiff/Appellant will be charged with a strike. The judges ruling violates Article II(a)(1)(d) and Canon 5(c) exercising political partisanship favoring the State of Florida and the defendants, circuit judge, Nancy Ley and state attorney Bruce Bartlett.

42. In the order dismissing the Complaint, Judge Barber cites cases: *Rahaim v. McCabe, et. al.,* case #8:21-cv-02868-TPB-TGW (M.D. Fla.); *Rahaim v. Burke, et. al.,* case #8:22-cv-02448-KKM-CPT (M.D. Fla); and *Rahaim v. Dixon*, #4:22-cv-137-AW-MAF(N.D. Fla.).

43. A case by case review will show these three cases are underlying criminal proceedings and are procedural steps in criminal litigation for liberty interest constitutional rights violations. 1915(g) states only civil prisoner litigation can apply strikes for frivolous, malicious, failure to state a claim. Cases 137 and 2868 do not have the specific wording in their orders dismissing to count as a strike. see: Rule 59 exhibits 1, 3, and 5); see: *Daker v. Comm. Georgia Dept of Corrections,* 820 F. 3d 1278 (11th Cir. 2016), ruling under the negative implication canon, the only grounds that can render a dismissal as a strike are A). Frivolous. B)

Malicious. C). Failure to state a claim for which relief can be granted. The P.L.R.A. is concerned with the grounds articulated in the order. Express statements must be specifically articulated with the words "frivolous," "malicious," "failure to state a claim." Case 137 was criminal collateral for the restoration of gain-time in prison disciplinary proceedings. §1915 did not apply. see: *Schmidt v. Crusoe,* 878 So. 2d 361 (Fla. 2003) criminal collateral proceedings are not civil in nature and the order dismissing did not state the wording frivolous, malicious, failure to state a claim. By both elements, criminal collateral and no specific wording, §1915(g) does not apply.

44. Petitions for mandamus relief, in all three cases, directly challenging underlying criminal or criminal collateral proceedings, are not civil in nature and do not count as strikes. see: *Martin; Madden* (supra), ruling; where the underlying litigation is criminal, the petition or Complaint need not comply with the P.L.R.A. Actions related to state court criminal proceedings are not challenges as to conditions of confinement.

45. This legal doctrine applies to these cases. (see: Rule 59 motion, exhibits 1, 2, 5). Plaintiff cannot be charged with a strike in any case. His challenges and complaints were filed in good faith with legal merit. They are not frivolous or malicious and submitted, supporting, evidence proves bad faith acts of the defendants, qualifying as exceptions to the *Younger* Abstention doctrine. see:

Younger v. Harris, 401 U.S. 37 (1973). It is only by the abuses of discretion in unlawful rulings that Plaintiff/Appellant is having to litigate in defense of rights and law violations.

46. Plaintiff has a constitutional right to be free from fraudulent prosecutions, brought in bad faith, with no hope of obtaining a valid conviction. see: *Shaw v. Garrison,* 467 F. 2d 113 (5th and 11th Cir. 1972); *Kugler v. Helfant,* 421 U.S. 117 (1975), the showing of bad faith is the equivalent of showing irreparable injury. The refusal to correct, and the rulings by the judges in a retaliatory / prosecutorial role, provides liability for corrective, injunctive relief. see: *Bolin v. Story*, 225 F. 3d 1234 (11th Cir. 2000); *Pulliam v. Allen,* 466 U.S. 522 (1984) Plaintiff/Appellant has shown there is a serious risk of continuing irreparable injury if the requested relief is not granted.

47. The dismissal in case #02868 was because the claim was out of the statute of Limitations. Plaintiff/Appellant lost not because he failed to state a claim, but because he failed to sue in time. see: *Hatch v. Briley,* 230 fed. Appx. 598, 2007 U.S. App. LEXIS 9200 (7th Cir. 2007) ruling where a Complaint was dismissed as untimely, not for frivolous or malicious, it did not count as a strike under §1915(g). This case was not frivolous or malicious. Plaintiff/Appellant was deprived of the initial sworn statements of accusers in his criminal cases. Mandamus petitions were denied. Plaintiff/Appellant acquired the statements not through any court

order. These statements proved to be exculpatory showing evidence of false accusations and why the state was so intent on keeping them concealed. One statement showed the alleged victim never came to the investigation hearing giving no sworn testimony in violation of the 4th Amendment, providing any arrest must be by the finding of probable cause under oath. Plaintiff/Appellant is actually innocent. Only the fraudulent manufacturing of probable cause, in bad faith, has falsely imprisoned him. The state court has no jurisdiction for due process, probable cause violations and an invalid charging document filed with fraudulent intent. The totality of circumstances shows Plaintiff/Appellant's complaints were for only his effort to prove actual innocence and acquire documents to show he is falsely imprisoned. It is fundamentally and morally unfair and unlawful to charge him with strikes and require him to pay to get justice and freedom from criminal imprisonment.

48. Judge Barber's order in case 2868 never wrote or found the case and Complaint was frivolous, malicious, or failed to state a claim for which relief can be granted. Therefore, no strike could be charged. Dismissing this appeal's, district court's case# 1721, for 3 strikes, did not correspond to the reason case 2868 was dismissed for, a violation of the statute of limitations. The statute of limitations was an affirmative defense under Rule 8(c) fed.r.civ.procedure, which the Complaint did not need to anticipate or plead. Plaintiff/Appellant's Complaint stated recognized

legal claims challenging criminal proceedings in good faith. see: *Fourstar v. Garden County Group Inc.,* 875 F. 3d 1147 (D.C. Cir. 2017) ruling if a court dismisses one or more of a prisoners claim for a reason, that is not enumerated in the P.L.R.A., the case does not count as a strike. Plaintiff/Appellant cannot be charged with a strike for an underlying criminal mandamus proceeding and the federal Complaint being dismissed as time barred. He's also not a prisoner.

49. The Plaintiff/Appellant is not a prisoner as defined in §1915 to be necessary for this statute to apply. He is not in custody for the primary case and arrest where that 15 year sentence has fully expired in state case 06-23073. (see: Exhibit 1 attached to the Motion For Leave To Appeal In *Forma Pauperis* in 11th circuit court of appeals case #24-14175-J). see: *Maleng v. Cook*, 490 U.S. 488 (1989); *Blanco v. Florida,* 817 fed. Appx. 794 (11th Cir. C.O.A. 2020); *Morrow v. Federal Bureau of Prisons,* 610 F. 3d 1271 (11th Cir. 2010). Appellant is not a prisoner. The filing fee provisions in §1915 do not apply. see: *Ojo v. I.N.S.,* 1997 U.S. App. LEXIS 12683 (11th Cir. 1997).

50. The statutory language and intent of §1915(b)(4) cannot prevent a prisoner from being heard in state case#06-26725 or depriving access to court rights. If this court insists the 5 reasons, Plaintiff/Appellant gives, for the non-application of §1915, do not concur with the 11th circuits findings, then clause (b)(4) of the statute is violated by Judge Barber's dismissal order. Plaintiff/Appellant's access to

courts rights are deprived. He cannot re-file. He is time barred by the 4-year fraud statute, Fla. Stat. §95.11, from the July 17th, 2020 date of exhaustion in case #SC20-918 and September 3rd, 2020 for SC20-1218 in the Florida Supreme Court. He cannot pay the filing fee and this cannot be the reason to deprive him the correction of fundamental rights violations with irreparable injury involving criminal state litigation with a liberty interest. This court must hear the case and reverse the finding that Plaintiff/Appellant has 3 strikes and permit him to appeal that erroneous ruling in *forma pauperis*. That finding prevents him from proceeding in the future in *forma pauperis* and irreparably injures him, in bad faith, depriving access to court rights. see: *Wolff* (supra); *In Re Green*, 699 F. 2d 779 (D.C. Cir. 1981). The blatant abuse of discretion in Judge Barber's ruling, denying the rule 59 motion, is the primary issue for U.S. Supreme Court review.

EVIDENCE SHOWING LACK OF STATE COURT JURISDICTION

51. The Florida statute §794.011, that Plaintiff/Appellant is being held under, contains no enacting clause as required by Article III §6, Florida Constitution. The state court has no jurisdiction because the statute is a void, invalid law.

52. Evidence, showing bad faith and the fraudulent manufacturing of probable cause, is requested and purchased. The state court is concealing documents in bad faith. It is trying to prevent the documents for use in an official proceeding, violating 18 U.S.C.S. §1512(b)(c) by and through a conspiracy against rights 18

U.S.C.S. §241 engaging in a fraudulent scheme by alleging facts about self-representation and speedy trial which are errors of fact, depriving rights under color of law 18 U.S.C.S. §242.

53. The State Court lost jurisdiction when it denied both motions for discharge. see: *Salser v. State,* 613 So. 2d 471 (Fla. 1993). Plaintiff/Appellant's issue of self-representation, before the court, allows Motions For Discharge to be filed *pro se.* see: *Logan v. State,* 846 So. 2d 472 (Fla. 2003) providing an exception for Motions to Discharge under Rule 3.191 Fla.r.crim.procedure, if the issue to discharge counsel is before the court. Otherwise the hybrid representation doctrine nullifies every other motion filed by a *pro se* defendant. The issue of self-representation was before the Florida Supreme Court in case #SC20-918 when Plaintiff/Appellant filed the motion for rehearing of the petition for writ of prohibition and habeas corpus in the 2nd DCA on July 16th, 2020 for the issue of lack of the court's jurisdiction, because it denied both motions for discharge in both state cases 06-23073 and 06-26725. see: *Salser* (supra). (see: exhibit 112). Under Rule 4.37, Fla.r.prof.conduct, Plaintiff/Appellant's state lawyer, Richard N. Watts, cannot be a witness and an advocate. He told Plaintiff/Appellant by a paper-note, after trial, that DNA evidence is a match to undercover police officer and handler of the informant/alleged victim, Mary, Jerry Rexrod, who had unprotected sex with his informant on the night she falsely accused Plaintiff/Appellant of sexual battery.

Watts can confirm all facts of fraud and conspiracy alleged by Plaintiff/Appellant. All officials are preventing any hearings to record this evidence and documents, purchased by the Plaintiff/Appellant, are suppressed in bad faith, obstructing justice.

54. The third issue showing a lack of state court jurisdiction is that the jurisdiction of the court was never lawfully established, because charging documents, filed in bad faith, are invalid. The charging document is void-ab-initio due to the bad faith, intent to defraud and the 4th Amendment violations failing to establish probable cause under oath to arrest the Plaintiff/Appellant.

55. The confidential informant/alleged victim in case 06-26725 never gave sworn testimony prior to the filing of the charging document. (see: exhibit 108). see: *State v. Gonzalez,* 212 So. 3d 1094 (Fla. 5th DCA 2017) citing: *State v. Weinberg,* 780 So. 2d 214 (Fla. 5th DCA 2001), ruling hearsay testimony of a detective is insufficient, pursuant to Rule 3.140(g) Fla.r.crim.procedure, to establish material witness testimony. Pure hearsay testimony is not admissible to find probable cause under oath. This charge was not sworn to by any alleged victim/material witness and is void. see: *Brent v. Tetlow,* 328 F. 2d 890 (11th Cir. C.O.A. 1964). These cases are on point with the factual series of events that occurred.

56. A charge not sworn to is subject to dismissal. A charge is insufficient where it appears the complaining officer had no knowledge of the matter on which the

charge was based. see: *Giordenello v. United States,* 357 U.S. 480 (1958). The detective, defendant Edward R. Judy, is not a material witness. see: *Metzler v. Kenner City,* 695 Fed.Appx. 79 (5th and 11th Cir. 2017). The detective cannot produce admissible corroborating evidence to support the fact. see: Rule 56(c)(1)(B) fed.r.civ. procedure. Pure hearsay testimony is not admissible. see: Rule 802 Fed.r.evidence. The facts why the state did not swear in the alleged victim are material. She would have most likely given testimony that showed actual innocence of the Plaintiff/Appellant and that no probable cause existed for an arrest.

57. Absent a valid charging document, the state court lacks jurisdiction. see: *State v. Anderson,* 537 So. 2d 1373 (Fla. 1989). The court lost all jurisdiction because of the constitutional violations and an invalid charging document. see: *Farnsworth v. Zerbst,* 98 F. 2d 541 (5th and 11th Cir. C.O.A. 1938). The supporting oath or affirmation needed to establish probable cause, may not be satisfied by the mere filing of an unsworn information signed by a prosecutor. see: *Gerstein v. Pugh* 420 U.S. 103 (1975). The charging document in case #06-26725 is invalid, void. The court has no jurisdiction. Plaintiff/Appellant has been arbitrarily detained for 19 years.

58. The charging document in case 06-23073 is also invalid, failing to properly establish the state court's jurisdiction. The same detective, defendant Edward R.

Judy lied there was semen on the informant's buttocks and lied they found her sunglasses in Plaintiff/Appellant's boat. All evidence proves the informant/alleged victim was never on the boat and sex did not occur. see: clauses 52-62 in the Complaint in district court case #8:22-cv-303; appellate court case #24-14175-J. The assistant state attorney, defendant Broderick Levert Taylor refers to the alleged victim as the defendant twice in the invest document. (see exhibit 109). Informant has told 3 different versions of multiple events proving non-credibility. She is not the victim and lied to avoid being arrested for carjacking Plaintiff/Appellant's Jeep Grand Cherokee. No reasonable finder of fact would find there was probable cause to arrest Rahaim . The charging document was filed in bad faith and is void *ab-initio.*

59. The *Heck bar* and the *Younger* abstention doctrine cannot be applied where a state court's jurisdiction is being challenged and evidence, supporting that challenge, is being concealed in bad faith. The Plaintiff/Appellant is being held in prison on the only remaining charge, case 06-26725, with no sworn statement, alibi witnesses placing him 40 miles away of a non-existent crime scene (alibi witness transcripts suppressed) and the total fabrication of evidence by prosecutors. see: *Zahrey* (infra.). Evidence shows prosecutors knew before filing and withheld testimony from the alleged victims that showed the manufacturing of probable cause by two informants paid to lie. see: case: Illinois (infra); *Kyles* (supra).

60. The evidence showing bad faith and fraudulent intent by police and prosecutors is overwhelming. Fabrication of evidence, the willful false testimony by the accusers, and defendants, and the proof of the state court's lack of jurisdiction, all supports Plaintiff/Appellant's entitlement to be heard in *forma pauperis* for fundamental rights violations of procedural and substantive law and due process. All cited circumstances prove Judge Barber is acting as advocate for the state officials in a prosecutorial role against the Plaintiff/Appellant. He has used an invalid statute as a means to prevent scandalous facts, and criminal acts of the defendants, from being exposed. The bias, political partisanship, errors in the application of law, and the abuse of discretion, all provide the order dismissing the Complaint for the 3 strikes rule, §1915(g), is void and invalid. Plaintiff/Appellant is entitled to relief.

THE RIGHT TO SPEEDY TRIAL

61. The abuse of discretion by Judge Barber further deprives Plaintiff/Appellant of the right to a Speedy Trial and true contest of Plaintiff/Appellant's merits. The state and defendants cannot use a fraudulent scheme to prevent the Plaintiff/Appellant from a trial, acquittal and release from custody. see: *Klopfer v. North Carolina,* 386 U.S. 213 (1967); *Barker v. Wingo,* 407 U.S. 514 (1972) providing constitutional rights to a Speedy Trial. Any delay in bringing a defendant to trial, even by waiver of speedy trial, cannot exceed one year. see: *United States*

v. Ortega, 2002 U.S. Dist. LEXIS 14967 (8th Cir. 2002). Defendant's waiver of speedy trial is not adequate to satisfy the requirements of 18 U.S.C. §3161(h)(8). This federal right and statute cannot be invalidated by Article 1 § 1 Fla. Constitution or by Fla. Stat. §843.0855 (3); (5)(a). see: *Walker v. San Francisco Unified School District,* 46 F. 3d 1449 (9th Cir. 1995); *Sanchez v. Degoria*, 733 So. 2d 1103 (Fla. 4th DCA 1999), state rules and laws cannot invalidate federal rights.

62. Plaintiff/Appellant re-invoked his right to speedy trials filing Demands for Speedy Trial, pursuant to the 6th and 14th Amendments, complying with rule 3.191 fla.r.crim.procedure. Plaintiff/Appellant filed Notices of the Expiration of Time for Speedy Trial and Motions For Discharge in both cases 06-23073 and 06-26725. The fact that Plaintiff/Appellant was still represented by counsel, and the hybrid representation doctrine prevented him from submitting motions, was defeated, by the exception that motions to discharge counsel had been filed and the issue of the denial of the right to self-representation was pending in the Florida Supreme Court when the Plaintiff/Appellant filed the Rehearing Motion, for the denial of the Petition For Writ of Prohibition and Habeas Corpus, on July 16th, 2020. see: *Logan* (supra). see: cases SC20-918; 2D20-1986. (see: exhibit 112).

63. The district courts order dismissing the Complaint, that challenges the state's deprivation of rights and its refusal to provide an adequate process to remedy, facilitates and enables the defendants to not be accountable. Plaintiff/Appellant 's

entitlement to evidence, for future challenges, to lack of state court jurisdiction and his entitlement to judgment of acquittals, for the insufficiency of evidence to sustain any convictions, all is eliminated by the dismissal, erroneously applying §1915(g)'s "Three Strikes Rule." Plaintiff/Appellant is irreparably damaged resulting in a fundamental miscarriage of justice. He should be relieved of the impediment to secure his release from custody. The district court order dismissing should be reversed and the Complaint reinstated.

THE RIGHT TO SELF-REPRESENTATION

64. Plaintiff/Appellant has a constitutional right to act *pro se* in state court. see: *Faretta v. California*, 422 U.S. 806 (1975); *Chapman v. Harris,* 553 F. 2d 886 (5th Cir. 1977); *U.S. v. Plattner,* 330 F. 2d 271 (1963); Fla. Stat. §454.18 The defendants are engaged in a custom and policy to fraudulently represent that Plaintiff/Appellant is already proceeding *pro se*. This misrepresentation is designed to do only one thing, prevent a person from filing motions with legal merit to challenge the unconstitutionality of Florida's assimilated process that violates substantive due process rights. see: *Bowen v. City of New York,* 476 U.S. 467 (1986) ruling: secretive conduct by the government that prevents a party from knowing about a constitutional violation cannot prejudice or prevail against the unknowing party preventing any challenges to rights violations.

65. Plaintiff/Appellant has been denied all hearings and to be heard and call his defense attorney, Richard Watts, to provide testimony about state perpetrated fraud on the court. Pursuant to rule 4.37, fla.r.prof.conduct, the attorney cannot be an advocate and a witness for the Plaintiff/Appellant. Attorney cannot refuse to be a witness. see: Fla. Stat. §90.501. Therefore, he must be discharged and give truthful testimony about the unconscionable scheme falsely imprisoning the Plaintiff/Appellant. Denial of this evidence violates the Everyman's Evidence Doctrine, The New Light Evidence Doctrine and the Fundamental Miscarriage of Justice Doctrine. In a continuing violation of the defendants and states deprivation of this evidence, denying hearings, subpoena's and mandamus production, the district court erroneously, with fraudulent intent and bad faith, dismissed this case. This requires redress and reversal.

THE UNLAWFUL CUSTOM AND POLICY UNDER COLOR OF STATE LAW

66. All defendants acted under color of state law. They implemented operational functions under a custom and policy of the State of Florida. This custom and policy is the moving force of the constitutional violations. see: *Monell v. New York Department of Social Services,* 436 U.S. 658 (1978).

67. The State of Florida, the Pinellas County Office of the state attorney, and the city of Saint Petersburg, are persons for a custom and policy within the meaning of §1983. They have waived their sovereign immunity for constitutional violations

and negligent activities, that are operational tasks, where a duty of care exists to provide the Plaintiff/Appellant the requested, purchased records, pursuant to Article 10 §13 Fla. Constitution and Fla. Stat. §768.28. see: *Cook v. Monroe County Sheriff,* 402 F. 3d 1092 (11th Cir. 2005).

68 The defendants are acting under the color of the following state laws: Article 1 § 1 Fla. Constitution; Fla. Stat. §843.0855(3),(5)(a); rule 4.84(c) Fla. rules professional conduct and rule 3.220 Fla.r.crim. procedure. These laws fail to provide the lawful authority exception required in and by §843.0855(5)(a), being against (5)(c), to fabricate fraudulent documents, including court orders, judgments and public records as provided by Fla. Stat. §843.0855(3).

69. The following reasons, arguments, eliminate the state's false claim to this lawful authority. Fla. Stat. §794.011, that Plaintiff/Appellant is being held under, is not a valid law containing no enacting clause required by Article III §6 Fla. Const...This renders the state court with no jurisdiction. The corrupted uses of undercover investigations, provided by rule 4.84(c), are unlawful by the statutory language in the contradictory wording contained in §843.0855(5)(a) against (5)(c). The method of secrecy employed within undercover investigations obviously will prevent a party from instituting or responding to a legitimate and lawful legal process, because the party cannot know how, or what, to respond to. This fundamentally prevents, prohibits and limits a persons lawful and legitimate access

to courts provided in §843.0855(5)(c). see: *Bowen* (supra) ruling it is unconstitutional to prevent a party from knowing about constitutional rights violations by the government's conduct. see: *Imbler v. Craven*, 298 F. Supp. 795 (9th Cir. 1969) where a prosecutor knowingly permits false evidence to be introduced at trial, and such evidence will inevitably create a false impression in the minds of the jury, no legal justification can exist for that false misrepresentation. see: *Zahrey v. Coffee,* 221 F. 2d 342 (2nd Cir. 2000) ruling: it is a 5th Amendment violation for a prosecutor to fabricate false evidence and testimony with the knowledge that the evidence will send the accused to prison.

70. State prosecutors cannot claim ignorance to evidence insufficiency to subvert the judicial process. see: *A.L.H. v. State,* 773 So. 2d 1192 (Fla. 4th DCA 2000) ruling: the prosecutor is presumed to have knowledge of all documents in the state's file. Constitutional error occurs regardless if the prosecutor had knowledge of the fraud or acted in good or bad faith. see: *Giglio* (supra). Obstruction of justice is found where there is perjury, the prosecutor knew the testimony was false and failed to correct the fraud. see: *United States v. Vallejo*, 297 F. 3d 1154 (11th Cir. 2002). see: *Booker v. State,* 503 So. 2d 888 (Fla. 1987) ruling: The fraud must be exposed.

71. A conviction obtained using false testimony cannot stand. see: *Giglio v. United States,* 405 U.S. 150 (1972); *Mooney v. Holohan,* 294 U.S. 103 (1935) ruling: Totally false testimony amounts to a sham trial.

72. The defendants possible argument that no official trial has been held, does not relieve them from the constitutional obligation to provide Plaintiff/Appellant the requested purchased public records, because the records will show all state's witnesses lied in pre-trial depositions and are impeachable. see: *United States v. Bagley,*473 U.S. 667 (1985); *Kyles v. Whitley,* 514 U.S. 419 (1995); *United States v. Agurs,* 417 U.S. 97 (1976) all ruling evidence showing the impeachability of witnesses must be provided. see: *Rogers v. State,* 782 So. 2d 373 (Fla. 2011); Fla. Stat. §90.104(1)(b); §90.608(5). Withholding evidence affects the substantive rights of a party if the evidence contains material facts proving fraud or prior inconsistent statements showing non-credibility and reasonable doubt. see: *Strickland v. Green.* 527 U.S. 263 (1999) evidence favorable to Plaintiff/Appellant puts the case in a whole new light. The outcome of the proceeding would have been different had the concealed evidence been produced. see: *U.S. v. Bagley; Kyles* (supra). Police have a duty to disclose exculpatory evidence to the prosecutor, further obligating the prosecutor's role to have knowledge of all true facts.

72. Plaintiff/Appellant's Complaint and 111 facts, proofs and elements, verified by over 100 attached exhibits, raises the presumption of fraud and undue influence, shifting the burden to the defendants and state to present evidence to disprove or rebut the presumption, pursuant to Fla. Stat. §90.302 and rule 301 fed rules of evidence. The defendants have willfully refused to allow hearings and the production of the purchased records showing consciousness of guilt. They have failed to rebut, fraudulently concealing all proof of Plaintiff/Appellant's merits, showing the perpetration of bad faith, obstruction of justice and arbitrary, unlawful detention. These facts provide Plaintiff/Appellant the right to proceed in *forma pauperis*.

73. Plaintiff/Appellant Rahaim has a valid challenge to the unconstitutionality of the fraudulent process provided in rule 4.84(c) Fla.r.prof.conduct. This administrative rule is superseded and nullified by the access to court provisions in Fla. Stat. §843.0855(5)(c). see: *Willette v. Airpods,* 700 So. 2d 577 (Fla. 1st DCA 2003) ruling: Statutory laws take precedent over administrative rules. The fraudulent concealment of purchased public records prejudices and prevents the Plaintiff/Appellant from filing meaningful challenges in state court. see: *Wolff v. McDonnell* 418 U.S. 539 (1974) ruling: the right of access to courts is founded in the due process clause and assures that no person will be denied the opportunity to present to the judiciary allegations concerning constitutional rights violations.

74. In Complaint clause 69, Plaintiff/Appellant cites the vague and ambiguous wording doctrine. see: *United States v. Bass,* 404 U.S. 336 (1971) ruling: any challenges to vague and ambiguous wording, that fails to give a person of common intelligence fair warning of the laws intent, having to guess at the laws meaning, must be ruled on in favor of a criminal defendant. see: *Shevin v. International Workers,* 353 So. 2d 89 (Fla. 1977); *Brunell v. State,* 360 So. 2d 70 (Fla. 1978). Both the 9th Amendment, U.S. Constitution and Article 1 §1, Fla. Constitution, employ the word "others" and are vague and ambiguous, intentionally creating doubt and failing to give fair warning. This conflicts with the 14th Amendment's provision that no state shall enact any law that abridges the rights of citizens. see: *Perkins v. State,* 576 So. 2d 1310 (Fla. 1991).

75. Plaintiff/Appellant must be heard, in *forma pauperis*, for the correction of evidence concealment proving he is unlawfully, arbitrarily detained, because of the false testimony and fabricated evidence by prosecutors, proving all witnesses are impeachable. Denial of a fair trial and acquittal cannot be justified and violates international law, "Universal Declaration of Human Rights," Articles 10; 11.1 and 30 and Article 9 of the International Covenant On Civil and Political Rights, which the United States has ratified on April 2nd, 1992 accepting this as law of the U.S. . see: *Martinez v. City of Los Angeles,* 141 F. 3d 1373 (9th Cir. 1998); *Soroa-Gonzalez v. Civiletti,* 515 f. supp. 1049 (11th Cir. 1981); *Wolff* (supra).

EQUITABLE TOLLING FOR DEPRIVED RIGHTS AND PUBLIC RECORDS

76. Equitable tolling applies to this case because Plaintiff/Appellant is impeded, by state created violations, from filing meaningful challenges to secure relief and the release from custody. see: *Holland v. Florida,* 560 U.S. 631 (2010) ruling: time is tolled until the date the state created impediment is removed. see: 28 U.S.C. §2244(d)(1)(b). Equitable tolling is appropriate when a movant untimely files because of the extraordinary circumstances that are both out of his control and unavoidable even with diligence: see: *Arce v. Garcia,* 434 F. 3d 1254 (11th Cir. 2006); *Pace v. Diguglielmo*, 544 U.S. 408 (2005).

77. The failure of defense counsel to find public records and evidence, showing impeachability and fraud, cannot be charged to the defendant. see: *Bailey v. State,* 768 So. 2d 508 (Fla. 2nd DCA 2000) ruling: where police reports were available but lawyer failed to find them, defendant could not be charged with constructive knowledge. Newly discovered evidence claims did not apply the two-year time limit for ineffective assistance claims.

78. Plaintiff/Appellant must receive the F.D.L.E. records showing no DNA submission in case 06-26725 and the requested police report from the St. Petersburg Police, filed on September 19th, 2006. These records prove all state's witnesses falsely testified to events they know did not occur, prejudicing the Plaintiff/Appellant sending him to prison. These records show the non-occurrence

of events by the lack of entry in the record, pursuant to Fla. Stat. §90.803(6),(7), (10); rule 803(6),(7) federal r.evidence. see: *Terranova v. State,* 474 So. 2d 1206 (Fla. 2nd DCA 1985); *Hughes v. Slomka,* 807 So. 2d 98 (Fla. 2nd DCA 2002). Judge Barber's dismissal of the Complaint refuses to remove the state created impediment.

FRAUDULENT CONCEALMENT OF THE CONFIDENTIAL INFORMANT STATUS OF ACCUSERS

79. Due process/access to courts rights have been violated by the fraudulent concealment of the confidential informant status of accusers, pursuant to the 14th Amendment of the U.S. Constitution, and Article 1 § 9 Fla. Constitution. see: *Banks v. Dretke,* 540 U.S. 668 (2004); *State v. Glossum,* 462 So. 2d 1082 (Fla. 1985). These caselaws provide for the dismissal of criminal charges for the concealment.

80. The state is applying rule 3.220(g) Fla.r.crim. procedure, providing they do not have to disclose the status if they are not calling the informant as a witness to testify in court. The informant is the alleged victim and must appear to comply with Plaintiff/Appellant's 6th and 14th Amendment right to the face-to-face confrontation rule. No valid conviction can exist by her absence, failing to make a *prima facie* case.

81. The alleged victim/confidential informant, paid to lie, must be cross examined in view of the jury. Her testimony is the sole determining factor of her credibility. In this case, the informant told triply contradicting versions about 5 claims proving fabricated allegations, false testimony, showing Plaintiff/Appellant's actual innocence. This material evidence, in 25 prior inconsistent statements and facts, must be displayed in front of a jury to show the alleged victims reactions being caught in several lies. Under proper cross examination, she would most likely confess to fabricating the whole charge, on the night in question, to avoid being arrested for carjacking the Plaintiff/Appellant's jeep, wallet and cell phone. The assistant prosecutor even listed the informant twice in the investigation report as the defendant, (see: exhibit 109 in district court case: 8:22-02448-KKM-CPT). In court, prosecutors showed consciousness of guilt and their knowledge of Plaintiff/Appellant's actual innocence by refusing to put her on the stand to testify. Prosecutor's feared the informant, who has a history of mental illness, would break-down and confess she was never sexually battered, collapsing the whole case. Unconstitutionally, the state denied Plaintiff/Appellant his right to confront this sole material witness in open court.

82. The state used a look-a-like imposter on the stand in place of the informant/alleged victim showing bad faith and intent to defraud. The imposter's testimony was completely fraudulent, violating every ethical duty of everyone

involved. see: *Olden v. Kentucky*, 488 U.S. 227 (1988).Rule 3.220(g) conflicts with Plaintiff/Appellant's federal rights and is pre-empted by constitutional law. No valid conviction exists in the alleged victim's absence. Due process/access to court rights are violated. see: *Cunningham v. District Attorney's Office for Escambia County,* 592 F. 3d 1237 (11th Cir. 2010); *Ryland; Wolff* (supra). The fraudulent misrepresentation, that a witness is before the court, is the perpetration of extrinsic fraud. see: *United States v. Throckmorton,* 98 U.S. 61 (1878).

83. All evidence and the informant's statements, alleging sexual battery on Plaintiff/Appellant's boat, prove she was never on the boat and sex could not have occurred in the position she claims her attacker was in, "straddling her, his legs constricting her legs closed." (see: List of 111 facts with verifying exhibits #67 in Appeal case #24-12630-G; District court case #8:22-cv-02448-KKM-CPT).

84. Plaintiff/Appellant's initial false arrest was perpetrated by a lack of trustworthy information from a confidential informant. see: *Case v. Eslinger,* 555 F. 3d 1317 (11th Cir. 2009). There was no independent corroboration to the informant's allegations and in case 06-23073, the informant was referred to twice as the defendant not the victim. (see: exhibit 109 in case 8:22-cv-02448) In case 06-26725, the informant gave no sworn statement to lawfully establish probable cause to arrest. The totality of circumstances, in both cases shows bad faith and is the proper standard for determining probable cause based on the information of a

confidential informant. see: *Illinois v. Gates,* 462 U.S. 213 (1983). The detective, defendant Edward R. Judy, lied there was semen on the informant's buttocks to manufacture probable cause at the petition for a search warrant and at the investigation hearing.

STATE LAW NOT IN EFFECT

85. State laws will not have effect and will be pre-empted where they stand as obstacles to the execution of the purposes of congress. see: *Cippollone v. Liggett Group Inc.,* 505 U.S. 504 (1992); *Maryland v. Louisiana,* 451 U.S. 725 (1986); *English v. General Electric Corp.* 496 U.S. 72 (1990).

86. Florida's Constitution and state laws cannot invalidate speedy trial, public records and evidence rights. see: *Walker v. San Francisco Unified School District,* 46 F. 3d 1449 (9th Cir. 1995). Florida law cannot abridge federal rights. It is axiomatic that the judicial branch cannot abridge or create substantive law under the guise of procedural rulemaking, because doing so would violate the separation of powers doctrine. see: *Boyd v. Becker,* 627 So. 2d 481 (Fla. 1993).

87. The state, the defendants and the federal district court have committed plain errors in bad faith, obstructing justice, dismissing every challenge by the Plaintiff/Appellant. Abuses of discretion, by a corrupt application of legal interpretation, must be corrected. All court officials have violated every right of the Plaintiff/Appellant. All arguments and supporting laws prove Plaintiff/Appellant

has an absolute right to the reversal of the order dismissing the Complaint, erroneously applying §1915(g) 3 strikes where there are not 3 strikes, and to the relief requested. Plaintiff/Appellant prays for this court to honor the constitutional right, he has, to be heard in all courts in *forma pauperis* to correct fundamental miscarriages of justice.

JUDGE, PROSECUTOR AND DEFENDANT LIABILITY

88. Defendant Judge, Nancy M. Ley, does not have judicial immunity for claims involving injunctive and declaratory relief. see: *Bolin v. Story,* 225 F. 3d 1234 (11th Cir. 2000); *Pulliam v. Allen,* 466 U.S. 522 (1984). Plaintiff/Appellant meets these cited cases requirements by showing there is a serious risk of continuing irreparable injury if the requested relief is not granted. He is time-barred to re-file a §1983. It is the only adequate remedy, because habeas corpus is not available for case 06-23073 lacking "in custody" status, and in case 06-26725, habeas petitions cannot enforce public records laws, correct errors of fact, review the impeachability of witnesses or grant the relief only a §1983 lawsuit can. The evidence proving the lack of state court jurisdiction is being fraudulently concealed by the very official who is exposed to greater liability by the showing of a lack of jurisdiction by her court. She's committed criminal acts in bad faith.

89. State officials held subject to liability for damages under §1983 based on official acts. see: *Hafer v. Melo,,* 502 U.S. 21 (1991) ruling: Officials, acting under

color of state law, caused the deprivation of a federal right by the capacity in which the official inflicts the injury. To establish a §1983 claim, it is enough to show the official caused the injury or deprivation of the federal right for personal liability. The Plaintiff/Appellant need not establish a connection to governmental policy or custom.

90. State prosecutors actions established a final policy to deprive Plaintiff/Appellant the requested records and the right to speedy trial by a fraudulent scheme to force him to be represented by counsel. Their actions established a custom and policy where they had other courses of action to follow. see: *Pembaur v. City of Cincinnati,* 475 U.S. 469 (1986).

91. Prosecutor, defendant Bruce Bartlett, does not have immunity for injunctive and declaratory relief. see: *Tarter v. Hury,* 646 F. 2d 1010 (5th Cir. 1981); *Kalina v. Fletcher,* 522 U.S. 118 (1997); *Buckley v. Fitzsimmons,* 509 U.S. 250 (1993).

92. A federal court may enjoin the Attorney General of a state, where a general duty is to enforce, from proceeding to enforce, a state statute which violates the federal constitution. see: *Ex Parte Young,* 209 U.S. 123 (1908)

93. Bruce Bartlett, the defendant, was appointed to replace Bernard McCabe, S.A., after McCabe's death. Bartlett was not retained by the peoples vote. All assistant prosecutors assigned to Plaintiff/Appellant's state criminal cases are not officers of the state and also are not retained by the peoples vote. see: *Austin v. State Ex. Rel*

Christian, 310 So. 2d 89 1975 LEXIS 3470 (Fla. 1975). They cannot use Article 1 § 1 and rule 4.84(c) fla.r.prof.conduct, as the lawful authority and shield to commit fraud, deceit, misrepresentation provided in Fla. Stat. §843.0855(3); rule 4.84(c) and must honor the public's substantive rights.

94. Only an elected official, retained by the peoples vote, cannot be impaired or denied by the enumeration of rights in the constitution. see: *Armstrong v. Harris,* 773 So. 2d 7 (Fla. 2000) ruling and interpreting that Article 1 § 1, Fla. Const. defines the inherent right of the people by their vote in an election. see: *Wright v. City of Miami Gardens,* 200 So. 3d 765 (Fla. 2016). Assistant prosecutors assigned to Plaintiff/Appellant's case: Frederick L. Schaub; Michael Marr; Kelly McKnight and Broderick L. Taylor are not retained by the people and are not officers of the state. Their actions are not immune to deprive Plaintiff/Appellant's rights to speedy trial, judgment of acquittal and the purchased public records showing impeachability. They violated rights, knowingly employing all false testimony, against an innocent Rahaim to establish probable cause by fraud using confidential informants paid to lie. This amounts to malicious prosecution.

95. Plaintiff/Appellant has a right to be free from fraudulent prosecutions, brought in bad faith, without the hope of obtaining a valid conviction. see: *Shaw v. Garrison, 467 F. 2d 113 (5th, 11th, Cir. 1972);* Kugler v. Helfant, 421 U.S. 117 (1975); *Younger v. Harris,* 401 U.S. 37 (1971). The showing of bad faith is the

equivalent of showing irreparable injury. Where there is evidence of state proceedings motivated by bad faith, and there is no adequate or fair state forum where the constitutional violations were corrected, because of the officials refusal and fraud, the *Younger* Abstention doctrine does not apply. see: *Hughes v. Attorney General of Florida,* 377 F. 3d 1258 (11th Cir. 2004).

96. By an abuse of discretion, refusing to grant rule 59 relief for its manifest error appling the 3 strikes rule in §1915(g), the district court refused, in bad faith, to conduct evidentiary hearings to determine bad faith prosecutions of non-existent crimes, committing reversible error. see: *United States v. Leonard,* 50 F. 3d 1152 (2nd Cir. 1995). The showing of undue influence and fraud, by the Plaintiff/Appellant's submitted list of 111 facts, with verifying exhibits, raises the presumption shifting the burden to the state and defendants to rebut and disprove the Plaintiff/Appellant's claims of fraud. see: Fla. Stat. §90.302; Rule 301 Fed.r. evidence. The district judge Thomas Barber knows the claims of fraud are true. Showing evidence of consciousness of guilt, the judge relieves the burden of the state and defendants to disprove Plaintiff/Appellant's claims by simply dismissing the Complaint fraudulently applying the 3 strikes rule. All issues argued in this appeal are relevant to show the merit and factual legal analysis for the entitlement of the Plaintiff/Appellant to proceed in *forma pauperis* in all courts. This appeal

has shown all facts necessary for a judgment to be entered in favor of the Plaintiff/Appellant, Christopher J. Rahaim, granting this Appeals Relief Requested.

STATEMENT OF THE STANDARDS OF REVIEW

The Plain Error Standard.

Plain error occurs where the Plaintiff/Appellant's substantial rights are affected. The error seriously affects the fundamental fairness, integrity, or public reputation of judicial proceedings. see: *United States v. Chambers,* 441 F. 3d 438 (6th Cir. 2006).

The Abuse of Discretion Standard

The appellate court reviews denial of a rule 59 motion to amend judgment or order under the abuse of discretion standard.

An abuse of discretion occurs where the district court relies on clearly erroneous findings of fact, improperly applies the law or uses an erroneous legal standard. see: *U.S. v. Chambers,* (supra); *AyCock v. R. J. Reynolds Tobacco Co.,* 769 F. 3d 1063 (11th Cir. 2014).

The Preponderance of Evidence Standard

The standard for all determinations in civil cases is the preponderance of evidence standard. Plaintiff/Appellant's multiple arguments show a different result and outcome would have occurred if the state, defendants and district court judge would not have dismissed and denied all challenges by the Plaintiff/Appellant. These rulings prevented the production of purchased public records, denied a fair contest of the merits and refused to release the Plaintiff/Appellant for the lack of

the state court's jurisdiction. see: *Chinn v. Shoop,* 214 L Ed 2d. 229 (6th Cir. 2022); *Kyles; U.S. v. Bagley* (supra). The preponderance of evidence proves Plaintiff/Appellant's entitlement to proceed in *forma pauperis,* a reversal of the district court's dismissal of the Complaint and to receive a favorable judgment granting all requests for relief.

RELIEF SOUGHT

97. Plaintiff/Appellant seeks the court's finding that the Complaint was dismissed by plain error and an abuse of discretion providing for Rule 59 relief. He seeks the reinstatement of the Complaint in the district court or the declaratory or injunctive relief requested by judgment of this court. If the produced records show an insufficiency of evidence to sustain any conviction, in case 06-23073, then the court should invalidate that conviction and issue the appropriate orders nullifying that state cases judgment. In state case 06-26725, Plaintiff/Appellant seeks the same requested declaratory or injunctive relief and to be provided with the necessary judgment of this Court to file a meaningful habeas petition in the district court. A judgment showing the lack of state court jurisdiction is also requested in both state cases.

CERTIFICATE OF COMPLIANCE

98. Appellant, Christopher J. Rahaim CERTIFIES that this Initial Brief complies with Rule 32(g)(1) and Rule 28 fed.r.app.procedure for Roman style type face and the 1300 lines of text limit. Signed: Christopher J. Rahaim

SWORN OATH

Under the penalties of perjury, the Plaintiff/Appellant, Christopher J. Rahaim does swear and affirm that all the facts and assertions contained in this Initial Brief are true and correct. (28. U.S.C. §1746; 18 U.S.C. §1621).

Signed: Christopher J. Rahaim

Sworn to or affirmed and signed before me on this 17th day of March, 2025 by Christopher J. Rahaim who is personally known by me or has produced an identification card.

NOTARY PUBLIC: Samantha Randall

My Commission Expires: 4-16-2028

SAMANTHA RANDALL
Notary Public
State of Florida
Comm# HH593896
Expires 9/16/2028

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UNION CORRECTIONAL INSTITUTION
MAR 17 2025
BY:
FOR MAILING

CERTIFICATE OF SERVICE

This is to certify that the foregoing document was mailed to the Defendant, State of Florida, through counsel Attorney General of Florida located at The Capitol PL-01, Tallahassee, FL 32399. On this 17th day of March 2025.

Signed: Christopher J. Rahaim

Ref: For Initial Brief #25-10142-F

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