

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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ANTHONY B. LEWIS, M.D.,

Petitioner,

*v.*

HCA FLORIDA LAWNWOOD HOSPITAL,

Respondent.

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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**PETITION FOR WRIT OF CERTIORARI**

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**FEBRUARY MMXXVI**

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## QUESTIONS PRESENTED

This petition seeks the following three-fold procedural and constitutional review:

1. Whether the district court deprived Dr. Lewis and his counsel of their statutory or procedural right to amend the First Amended Complaint *without leave of court* pursuant to Fed. R. Civ. P. 15(a)(1)(B).

2. Whether the district court violated Dr. Lewis's and his counsel's First Amendment right to petition pursuant to the holding in *NAACP v. Button*, 371 U.S. 415 (1963) (First Amendment) and its progeny.

3. Whether the district court violated Dr. Lewis's and his counsel's Thirteenth Amendment right to petition pursuant to the holding in *Civil Rights Cases*, 109 U.S. 3, 22 (1883) (Thirteenth Amendment; Civil Rights Act of 1866) and its progeny.

Because the district court *clearly violated* both Fed. R. Civ. P. 15(a)(1)(B) and the aforementioned constitutional laws, this Court must reverse and remand this case.

**RELATED PROCEEDINGS**

United States District Court:

*Anthony B. Lewis v. Hospital Corporation of Florida Lawnwood Hospital*, No. 24-14147-cv-14147-DMM (Feb. 5, 2025) (dismissal and show cause ordered)

United States Court of Appeals (CA11):

*Anthony B. Lewis v. HCA Florida Lawnwood Hospital*, No. 25-10386 (Sep. 11, 2025) (district court affirmed)

*Anthony B. Lewis v. HCA Florida Lawnwood Hospital*, No. 25-10386 (Oct. 30, 2025) (rehearing denied)

Supreme Court of the United States

*Anthony B. Lewis v. HCA Florida Lawnwood Hospital*, No. 25A921 (Feb. 19, 2026) (application granted by Justice Thomas extending the time to file until February 27, 2026)

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The Eleventh Circuit’s opinion is reproduced in the Appendix at App.1-4. The district court’s dismissal order is reproduced in the Appendix at App.6-22.

## JURISDICTION

The Eleventh Circuit’s decision was entered on September 11, 2025. The Eleventh Circuit denied rehearing on October 30, 2025. Justice Thomas extended time to petition for certiorari till February 27, 2026. This Court has jurisdiction under 28 U.S.C. §1254(1).

## STATEMENT OF THE CASE

The Respondent, HCA Florida Lawnwood Hospital Corp. (HCA Hospital), is a very large corporate hospital with many hospitals located throughout the continental United States.

Dr. Lewis’s counsel, Roderick Andrew Lee Ford, Esq., is the executive director of The Methodist Law Centre/ Poor and Minority Justice Association – Legal Defense Fund, Inc. (The Methodist Law Centre), which is a non-profit legal services law firm.<sup>1</sup> He is

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<sup>1</sup> The Methodist Law Centre is chartered by the National Association of Christian Ministers, and endeavors to assist American citizens with a variety of legal problems, including the vindication of civil and human rights. The law firm focusses on “court access” issues from the perspective of vindicating First Amendment rights; making litigation affordable for working-class clients; and, safeguarding plaintiffs who “champion unpopular causes” against judicial reprisals and other forms of litigation abuses. See, e.g., *NAACP v. Button*, 371 U.S. 415 (1963) (public-interest lawyers who vindicate First Amendment rights); *Brotherhood of Railway Trainmen v. Virginia*, 377 U.S. 1 (1964) (same); *United Mine Workers v. Illinois State Bar Association*,

also the President of the United Physicians' Alliance, Inc., which is a non-profit service and advocacy organization that is designed to promote equal opportunity for African American and other similarly-situated physicians, primarily under the auspices of the Thirteenth Amendment, U.S. Constitution.<sup>2</sup>

The petitioner, Dr. Anthony B. Lewis, M.D., is a double-board certified cardiologist and an African American physician.<sup>3</sup> While working for the respondent HCA Florida Lawnwood Hospital, Dr. Lewis became the “champion of the unpopular cause” of raising awareness as to the crisis of racial discrimination against black, brown, and other similarly-situated physicians.<sup>4</sup> To that end, Dr. Lewis incorporated the

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389 U.S. 217 (1967) (same); and *United Transportation Union v. State Bar of Michigan*, 401 U.S. 576 (1971) (same).

<sup>2</sup> See, e.g., First Amended Complaint, Exhibit B, “UPA Press Release (January 2024),” *Lewis v. HCA Florida Lawnwood*, No. 2:24-cv-14147 (S.D. Fla.).

<sup>3</sup> See S.D. Fla. ECF No. 64, ¶ 4 of the First Amended Complaint.

<sup>4</sup> See, e.g., historic civil rights cases involving African American physicians and the Fourteenth Amendment or the 1871 Civil Rights Act. *Eaton v. Board of Managers of James Walker Memorial Hospital*, 261 F.2d 521 (CA4 1958) (federal civil rights case; African American physicians); *Eaton v. Grubbs*, 379 F.2d 710 (CA4 1964) (same); *Simkins v. Moses H. Cone Mem'l Hosp.*, 323 F.2d 959 (CA4 1963) (same); and *Cypress v. Newport News Gen. Non-Sectarian Hosp. Assoc.*, 375 F.2d 648 (CA4 1967) (same).

See also, n. 25, p.19 of 55, First Amended Complaint, citing Sidney Welch and Tricia Hoffler, “An Epidemic of Racism in Peer Review: Killing Access to Black and Brown Physicians,” *Journal of Health and Life Sciences Law* (May 2022, Vol. 16: Issue 1), stating:

“Recently, the medical profession has experienced a significant increase in the number of

United Physicians' Alliance, Inc, and serves as the Chairman on the board of that organization. Dr. Lewis also became one of the lead plaintiffs in a state-court lawsuit against the Respondent HCA Hospital which resulted in a favorable settlement in favor of the aggrieved physicians.<sup>5</sup>

In the district court, Dr. Lewis's United Physicians' Alliance, Inc. (UPA) is one of the primary co-sponsors of the litigation; and Dr. Lewis's counsel, Roderick Ford, Esq., is both general counsel and president of the UPA. Given the purpose and objective of the litigation in the district court, Dr. Lewis brings this petition before this Court as a matter of grave public importance regarding the fundamental right to "court access" as per Section 1 of the 1866 Civil Rights Act,<sup>6</sup>

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adverse medical staff actions against physicians of color. This crisis is one of epidemic proportions and impact, threatening the economic, physical, and mental well-being of African American physicians and taking a corresponding toll on the health and lives of Black patients, who are already negatively impacted by the systemic racism in the health care system."

<sup>5</sup> See, e.g., First Amended Complaint, *Lewis v. HCA Florida Lawnwood*, No. 2:24-cv-14147, n. 4 (S.D. Fla.), with a reference to the following case:

*Randall Seeger, M.D.; Raheel Ahmed, M.D.; Anthony Lewis, M.D.; Yolanda Lewis, M.D.; Dwight Dawkins, M.D.; Imran Malik, M.D.; Suzan Zimmer, M.D.; Peter Aldana, M.D.; Delvis Celdran, M.D.; Chintan Shah, M.D.; and Humayan Shareef, M.D. (Plaintiffs) v. Florida HCA Lawnwood Medical Center (Defendants)*, Case No. 2016-CA-000391

<sup>6</sup> See, e.g., *Civil Rights Cases* 109 U.S. 3, 22 (1883).

the Thirteenth Amendment,<sup>7</sup> and the First Amendment, U.S. Constitution.<sup>8</sup>

More specifically, Dr. Lewis's aforementioned constitutional rights to court access are also *manifest* in this appeal within the plain text of Fed. R. Civ. P. 15(a)(1)(B) which states: "A party may amend its pleading once as a matter of course within... 21 days after service of a motion under Rule 12(b)... whichever is earlier." The district court has flagrantly refused to enforce this federal rule, thus it divested Dr. Lewis of a fundamental procedural right this also safeguarded in Sec. 1 of the 1866 Civil Rights Act [and the Thirteenth Amendment], namely, "the same right... to sue, be parties, and give evidence... as is enjoyed by white citizens...." See, *e.g.*, *Civil Rights Cases*, 109 U.S. 3, 22 (1883).

The Eleventh Circuit, through its evasion of any meaningful and fair review and discussion of Rule 15(a)(1)(B), affirmed the district court's order dismissing the case with prejudice. Therefore, this petition to challenges both the district court's and the Eleventh Circuit's decisions as being unconstitutional.<sup>9</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> See, *e.g.*, *NAACP v. Button*, 371 U.S. 415 (1963) (public-interest lawyers who vindicate First Amendment rights); *Brotherhood of Railway Trainmen v. Virginia*, 377 U.S. 1 (1964) (same); *United Mine Workers v. Illinois State Bar Association*, 389 U.S. 217 (1967) (same); and *United Transportation Union v. State Bar of Michigan*, 401 U.S. 576 (1971) (same).

<sup>9</sup> Since the subject matter of case involves the subject matter of federal civil rights of African American physicians, a class of whom Dr. Lewis is a member, this Petition also brings to this Court's attention the Congressional history that undergirds federal constitutional amendments and the 1866 Civil Rights Act, because that history in large measure anticipates judicial bias

**I. District Court Divested Dr. Lewis of His One-Time Right to Amend the First Amended Complaint**

In this case, the district court's final dismissal order *with prejudice* blatantly violated Dr. Lewis's one-time right to amend his complaint *without leave of court*, pursuant to Fed. R. Civ. P. 15(a)(1)(B).

There is no evidence whatsoever that Dr. Lewis ever exercised his 1-time right to amend within the 21 days following service of the Respondent's Motion to Dismiss. Here, the district court dismissed Dr. Lewis's First Amended Complaint on the twentieth day following service of the Motion to Dismiss; and Dr. Lewis filed a timely appeal on the twenty-first day—timely memorializing his objection that his one-time right to amend under Rule 15(a)(1)(B) had been violated.

The respondent's argument Dr. Lewis had already exercised his one-time right to amend his complaint, which has been upheld by the district court and the Eleventh Circuit, plainly violates Rule 15. Here, when Dr. Lewis filed his First Amended Complaint, he did so *with leave of Court* as per Rule 15(a)(2)—not Rule 15(a)(1)(B). State differently, the district court's initial dismissal order without prejudice gave Dr. Lewis leave to amend his complaint within a certain number of days, or the case would closed with prejudice. Fed. R. Civ. P. 15(a)(2) governs instances where the district

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and judicial reactionism against the enforcement of the federal civil rights of African American citizens in the state and federal courts, and hence this petition presents a question of grave imperative for this to address. See generally *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968).

court's *expressly grant leave* to amend complaints; the language in that rule says, “[i]n *all other cases*, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.” (emphasis added). On the other hand, Fed. R. Civ. P. 15(a)(1)(B) governs instances, such as in this case, where a plaintiff in civil litigation has an absolute right to amend his complaint within 21 days following the service of a motion under Fed. R. Civ. P. 12(b)(6). Dr. Lewis's rights under Rule 15(a)(1)(B) were expressly violated in this case, and the Eleventh Circuit's affirmation must be reversed as a matter of clear law.

## II. Attorney Sanctions are Without a Basis in Fact or Law

Finally, the district court's Rule 11(b) sanctions against Dr. Lewis's counsel are also without a basis in law or fact and violate Sect. 1 of the 1866 Civil Rights Act [and the Thirteenth Amendment],<sup>10</sup> since Dr. Lewis's counsel—while acting as the legal representative for Dr. Lewis—had the same rights under Fed. R. Civ. P. 15(a)(1)(B) to correct the alleged deficiencies within the First Amended Complaint, by filing an amended pleading within 21 days after the 12(b)(6) motion to dismiss was filed. But the district court, in its disdain, issued a *sua sponte* order sanctioning Dr. Lewis's counsel, without allowing him to avail himself of the right to amend the pleadings pursuant to Fed. R. Civ. P. 15(a)(1)(B). Moreover, this *sua sponte* order also lacked a *finding of “more serious conduct”* that is

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<sup>10</sup> See, e.g., *Civil Rights Cases*, 109 U.S. at 22 (1883).

typically required for court-initiated Rule-11 sanction orders. See, *e.g.*, *Kaplan v. DaimlerChrysler, A.G.*, 331 F.3d 1251, 1255-56 (CA11 2003). For these reasons, this Court must reverse and remand this case.<sup>11</sup>

## **REASONS FOR GRANTING THE PETITION**

### **I. The Eleventh Circuit’s Opinion is Clearly Wrong**

This petition challenges the Eleventh Circuit’s Opinion that was entered on September 11, 2025 and that affirmed the district court’s (1) Order of Dismissal of Dr. Lewis’s First Amended Complaint<sup>12</sup> and (2) Order Imposing Sanctions against Dr. Lewis’s attorney.<sup>13</sup>

#### **i. Procedural Due Process: Fed. R. Civ. P. 15(a)(1)(B)**

The district court’s first dismissal order, which was made *without prejudice*, violated the Dr. Lewis’s one-time right amend his First Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(1)(B),<sup>14</sup> because it *prospectively prohibited* Dr. Lewis from filing an amended complaint within 21 days from the probable,

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<sup>11</sup> Since the material facts in this case correspond to holding in *NAACP v. Button*, *supra*, this Court should likewise reverse the district court’s dismissal order and order imposing sanctions, and remand this case.

<sup>12</sup> See S.D. Fla. ECF No. 83, “Order Imposing Sanctions,” entered on February 5, 2025, First Amended Complaint.

<sup>13</sup> See S.D. Fla. ECF No. 93, “Order Imposing Sanctions,” entered on March 10, 2025, First Amended Complaint.

<sup>14</sup> See S.D. Fla. ECF No. 83, “Order Imposing Sanctions,” entered on February 5, 2025, First Amended Complaint.

prospective event in which Respondent HCA Hospital filed a motion to dismiss under Rule 12(b)(6).

Here, the district judge clearly *abused his discretion* and violated both Dr. Lewis's and his counsel's constitutional right to petition and the constitutional right to court access.

Dr. Lewis filed his Initial Verified Complaint on May 14, 2024.<sup>15</sup>

Respondent HCA Hospital filed its first motion to dismiss on August 9, 2024;<sup>16</sup> however, Dr. Lewis *did not* exercise his right to amend his complaint pursuant to Fed. R. Civ. P. 15(a)(1)(B); and he did not do so within 21 days following service of that first motion to dismiss.

Subsequently, the district court issued its initial order dismissing the case *without prejudice* on November 20, 2024.<sup>17</sup> It then expressly granted leave to Dr. Lewis to amend his complaint "*only once*."<sup>18</sup>

Significantly, Dr. Lewis filed his "motion for clarification" on December 10, 2024<sup>19</sup> and his "amended motion for clarification," on December 11, 2024<sup>20</sup> both seeking guidance, direction, and clarification from the district court, so that Dr. Lewis could file his First Amended Complaint without running afoul of the federal rules or the judge's directive. The district court, however, did not respond or address Dr. Lewis's questions and concerns.

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<sup>15</sup> S.D. Fla. ECF No. 1.

<sup>16</sup> S.D. Fla. ECF No. 21.

<sup>17</sup> S.D. Fla. ECF No. 62.

<sup>18</sup> *Id.*

<sup>19</sup> S.D. Fla. ECF No. 63.

<sup>20</sup> S.D. Fla. ECF No. 67.

Afterwards, Dr. Lewis filed his First Amended Complaint on December 10, 2024.<sup>21</sup>

Respondent HCA Hospital filed its second motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on January 15, 2025.<sup>22</sup>

Thus, pursuant to Fed. R. Civ. P. 15(a)(1)(B), Dr. Lewis had *an absolute right* to file an amended complaint, without leave of court, within 21 days of service of the Respondent's motion to dismiss. Thus, Dr. Lewis had an absolute right, or until February 5, 2025 (i.e., 21 days)<sup>23</sup> to file an amended pleading.<sup>24</sup>

When the district court entered its Order of Dismissal with prejudice on February 5, 2025, it effectively cut off Dr. Lewis's right to file his amended pleadings by 12 midnight on the same date.<sup>25</sup> For this reason, Dr. Lewis filed an immediate Notice of Appeal on February 5, 2025,<sup>26</sup> because he was unable to file his amended pleadings pursuant to Rule 15(a)(1)(B) of the Fed. R. Civ. P.

Hence, the said Order clearly violated Dr. Lewis's and his counsel's civil rights and must be reversed.<sup>27</sup>

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<sup>21</sup> S.D. Fla. ECF No. 64.

<sup>22</sup> S.D. Fla. ECF No. 73.

<sup>23</sup> The second motion to dismiss was filed on January 15, 2025. According to Fed. R. Civ. P. 6, 21-days from that date fell on February 5, 2025.

<sup>24</sup> See, e.g., Fed. R. Civ. P. 6(a)(4)(A), stating “[u]nless a different time is set by a statute, local rule, or court order, the last day ends: (A) for electronic filing, at midnight in the court's time zone.”

<sup>25</sup> *Id.*

<sup>26</sup> S.D. Fla. ECF No. 84.

<sup>27</sup> Ordinarily, Dr. Lewis would have been able to file a “Second Amended Complaint” within 21 days after being served the Appellee's Motion to Dismiss, pursuant to Fed. R. Civ. P.

**ii. Attorney Sanctions under Rule 11(b) are Without Foundation and Constitute First Amendment Reprisal**

Similarly, for the purpose of the district court's Rule 11 sanctions against Dr. Lewis's counsel,<sup>28</sup> Attorney Ford also had *an absolute right* to cure any defects within the First Amended Complaint, by filing, *without leave of court* and *within 21 days* of service of the Dr. Lewis's motion to dismiss and amended pleading. A second Notice of Appeal of the said order was filed on April 17, 2025.<sup>29</sup> The Eleventh Circuit created a new appellate case and assigned a new appellate case number (i.e., No. 25-11291), which Dr. Lewis sought to consolidate into this case.<sup>30</sup>

This Court must reverse and remand the Eleventh Circuit's failure to consolidate to two appellate cases, because the merits of Rule 11 sanctions (i.e., No. 25-11291) are directly tied to the merits of 12(b)(6) motion and Dr. Lewis's right to amend under Fed. R. Civ.

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15(a)(1)(B). However, as previously mentioned, when the District Court granted its order dismissing the initial complaint without prejudice, it improperly prohibited Dr. Lewis from filing an amended complaint. Dr. Lewis might have availed himself of his right under Fed. R. Civ. P. 15(a)(1)(B), through filing his "Second Amended Complaint" anyway; however, the District Court dismissed the First Amended Complaint with prejudice, before the expiration of that 21-day time period under Fed. R. Civ. P. 15(a)(1)(B) had elapsed. Both the District Court's dismissal order and Dr. Lewis's Notice of Appeal were filed on the same date: February 5, 2025, which was the end of the 21-day amendment time period under Fed. R. Civ. P. 15(a)(1)(B).

<sup>28</sup> S.D. Fla. ECF No. 93,.

<sup>29</sup> S.D. Fla. ECF No. 100.

<sup>30</sup> A Motion to Consolidate was filed in the Eleventh Circuit on April 21, 2025. App. 23.

P. 15(a)(1)(B) of the (i.e., No. 25-10386). Since this Court must resolve Case No. 25-10386 in favor of Dr. Lewis, the issues in Case No. 25-11291 are mooted.

Thus, this Petition involves the need for this Court to safeguard the integrity of the Federal Rules of Civil Procedure against selective enforcement and the abuse of judicial discretion.

**iii. District Court’s Procedural History is Constitutionally Troublesome**

On its face, the district court’s two dismissal orders<sup>31</sup> violated Dr. Lewis’ procedural one-time right to amend his First Amended Complaint, pursuant to Fed. R. Civ. P. 15(a)(1)(B). Moreover, neither the Respondent HCA Hospital nor the District Court can demonstrate how any of the six Counts in the First Amended Complaint do not fully comply with Rule 8(a)(2). See generally, *Johnson v. City of Shelby*, 574 U.S. 10 (2014) and *Swierkiewicz v. Sorema, N. A.*, 534 U.S. 506 (2002). Significantly, pursuant to Fed R. Civ. P. 8(e)<sup>32</sup> and 11(b)(2)<sup>33</sup>, the First Amended Complaint seeks to vindicate both the contractual rights and federal statutory civil rights of similarly-situated physicians of all

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<sup>31</sup> See S.D. Fla. ECF No. 83, Order Granting Motion to Dismiss.

<sup>32</sup> Fed. R. Civ. P. 8(e) states: “Construing Pleadings. Pleadings must be construed so as to do justice.” This provision mandates that District Courts apply fairness, justice, and common sense when construing pleadings; and this principle of construction certainly vindicates the inclusion of these three sections into the First Amended Complaint.

<sup>33</sup> Fed. R. Civ. P. 11(b)(2) affords to advocates the opportunity to advocate “claims, defenses, and other legal contentions [that] are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.”

racess, as well as of black physicians in particular. These physicians are collectively oppressed by the Respondent’s policies and procedures—particularly its Peer Review policies and procedures. Accordingly, “Section 1” of the First Amended Complaint was filed in order to achieve the following lawful objectives:

**a. Section 1 of the First Amended Complaint**

First, “Section 1” is designed to explain the purpose and nature of the reasons for the District Court’s jurisdiction. See, *e.g.*, 5 Wright, Miller & Spencer, *Federal Practice and Procedure* (2021), § 1210 (“pleading jurisdiction”).

Second, “Section 2” is designed to explain the unique background and nature of the “claims for relief.” See, *e.g.*, 5 Wright, Miller & Spencer, *Federal Practice and Procedure* (2021), § 1216 (“pleading a claim for relief”).

**“Section 1 of the First Amended Complaint”**

	<b>First Amended Complaint</b>
Page 19-26	Introduction
Page 27-30	“History and Tradition” ( <i>Washington v. Glucksberg</i> (1997))
Page 31-34	Background and Material Facts

Accordingly, “Section 1” of the First Amended Complaint addresses the *civil rights history of black*

*physicians* within the American medical profession. “Section 1” specifically places the Appellant’s case (i.e., each of the six Counts within the First Amended Complaint) within the *context of that civil rights history*.<sup>34</sup>

The First Amendment expressly safeguards Dr. Lewis’s right to plead “Section 1” in the very manner in which Dr. Lewis has plead it; because “Section 1” is the very platform upon which Dr. Lewis is able to put the remaining part of his complaint into its proper context. Here, the “context” of the claims for relief revolves around the unique plight of African American physicians in general as well as at the Respondent’s hospital.

“Section 1” of the First Amendment complaint is thus safeguarded as protected speech and as vigorous advocacy. See, e.g., *Button*, 371 U.S. at 429 (“abstract discussion is not the only species of communication which the Constitution protects; the First Amendment also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. *Thomas v. Collins*, 323 U. S. 516, 537 (1945); *Herndon v. Lowry*, 301 U. S. 242, 301 U. S. 259-264. Cf. *Cantwell v. Connecticut*, 310 U. S. 296; *Stromberg v. California*, 283 U. S. 359, 283 U. S. 369; *Terminiello v. Chicago*, 337 U. S. 1, 337 U. S. 4.

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<sup>34</sup> See S.D. Fla. ECF No. 64, First Amended Complaint, Exhibit B of the said First Amended Complaint, (United Physicians’ Alliance, Inc. “Racism in the American Medical Profession” A Press Release- January 2024). See also, First Amended Complaint n. 25, citing Sidney Welch and Tricia Hoffler, “An Epidemic of Racism in Peer Review: Killing Access to Black and Brown Physicians,” *Journal of Health and Life Sciences Law* (May 2022, Vol. 16: Issue 1).

Finally, Dr. Lewis’s First Amended Complaint is also fully compliant with Rule 8(a)(2) of the Federal Rules of Civil Procedure,<sup>35</sup> because this rule requires that pleadings must set forth “a short and plain statement of the claim showing that the pleader is *entitled to relief*.” “Section 1” of the First Amended Complaint is essential in order to demonstrate that Dr. Lewis is “*entitled to relief*.”

**b. Section 2 of the First Amended Complaint**

Next, “Section 2” of the First Amended Complaint clearly sets forth the claims for relief which Dr. Lewis seeks. The “relief” to which Dr. Lewis is “entitled,” is broken into six Counts within the First Amended Complaint, and each of these six counts fully complies with Fed. R. Civ. P. 8(a)(2), as follows:

**“Section 2 of the First Amended Complaint”**

	<b>First Amended Complaint</b>
Pages 35-38	Count I Health Care Quality Improvement Act of 1986
Pages 38-41	Count II Title VII of the 1964 Civil Rights Act- Harassment
Pages 42-45	Count III Title VII of the 1964 Civil Rights Act- Retaliation
Pages 45-48	Count IV Section 1981—Harassment
Pages 48-51	Count V Section 1981—Retaliation
Pages 52 – 54	Count VI Defamation (Slander Per Se)

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<sup>35</sup> See S.D. Fla. ECF No. 64, First Amended Complaint.

Significantly, Fed. R. Civ. P. 10 (b) and (c) affords Dr. Lewis the right to reference “Section 1” of the First Amended Complaint within each of the six Counts that are within “Section 2 of the First Amended Complaint. “Section 2” of the First Amendment complaint is also safeguarded as “protected speech” and as “vigorous advocacy”. See, *e.g.*, *Button*, 371 U.S. at 429 (vigorous advocacy).

**c. District Court Order’s Lack of Clarity and Lack of ‘Due Process’**

The First Amendment afforded to Dr. Lewis a right to file his claims for relief as set forth in “Sections 1 and 2” of the First Amended Complaint.

In addition, the Privileges and Immunities Clause also afforded to Dr. Lewis’s counsel the right to act as Dr. Lewis’s legal advocate. See, *e.g.*, *Supreme Court of N.H. v. Piper*, 470 U.S. 274, 280-283 (1985)(practice of law is a “Privilege” under U.S.Const., Art. IV, §2); *Chamber v. Balt. & Ohio R.R.*, 207 U.S. 142, 147-149 (1907) (right to sue in court is conservative of all other fundamental rights); *Dred Scott v. Sandford*, 60 U.S. 393, 403 (1857) (right to sue in the district court is a privilege of national citizenship); *Corfield v. Coryell*, 46 F. Cas. 546, 550 (Washington, Circuit Justice, C.C.E.D. Pa. 1823) (right to sue in courts of several states is a privilege of national citizenship).

Here, the district court’s *initial dismissal without prejudice, which afforded only 1 opportunity to correct errors or risk having the entire case dismissed with prejudice*, DID NOT TELL either Dr. Lewis or his counsel what those errors were. Hence, the first dismissal order *did not specify* what the deficiencies were in the original, *pro se* Verified Complaint. Twice, Dr.

Lewis’s counsel filed motions for clarification seeking guidance from the district court, but the said Court refused to comply or issue any further clarifications.

For these reasons, the manner in which the district court dismissed the First Amended Complaint, without giving any clear reasons in either the initial dismissal order *without prejudice*, or in the final dismissal order *with prejudice*, divested Dr. Lewis of his First Amendment right of petition. See, *e.g.*, *Button*, *supra*. The final dismissal order *with prejudice* also divested Petitioner’s counsel of his First Amendment right, as well as rights under the Privileges and Immunities Clause, to engage in vigorous advocacy on behalf of his client. *Piper*, *supra*.

#### **iv. This Court Must Safeguard First Amendment Rights**

Finally, this is a federal civil rights case that involves *historic racial discrimination against African American physicians with regards to professional credentialing, peer-review scrutiny, and discipline*. See, *e.g.*, *Eaton v. Board of Managers of James Walker Memorial Hospital*, 261 F.2d 521 (CA4 1958) (federal civil rights case; African American physicians); *Eaton v. Grubbs*, 379 F.2d 710 (CA4 1964) (same); *Simkins v. Moses H. Cone Mem’l Hosp.*, 323 F.2d 959 (CA4 1963)(same); and *Cypress v. Newport News Gen. Non-Sectarian Hosp. Assoc.*, 375 F.2d 648 (CA4 1967) (same).<sup>36</sup>

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<sup>36</sup> See also, First Amended Complaint, Exhibit B a document titled, “Racism in the American Medical Profession A Press Release (January 2024)” *Lewis v. HCA Florida Lawnwood*, 2:24-cv-14147 (S.D. Fla.). See, also, n. 25 of the said First Amended Complaint, citing *e.g.*, Sidney Welch and Tricia Hoffler, “An Epidemic

The petitioner, Dr. Anthony B. Lewis, MD, is an experienced African American physician; and Dr. Lewis's counsel, Roderick A. L. Ford, LL.D, is an African American civil rights attorney. Together, Dr. Lewis and his counsel are executive officers in the United Physician's Alliance, Inc., a non-profit advocacy organization that is designed to vindicate the federal civil rights of black, brown, and other similarly-situated physicians who face racial discrimination in the physician credentialing process. Additionally, Dr. Lewis's counsel's law firm is a non-profit advocacy organization called The Methodist Law Centre. This non-profit law firm focusses on vindicating the First Amendment's right of petition and court access on behalf of black, brown, and other similarly-situated plaintiffs. Hence, Petitioner's case involves the "public interest" under the guise of ameliorating the workplace conditions of African American physicians.

For this reason, this Court must grant this petition because the district court's dismissal order has a chilling effect upon both Petitioner's and Petitioner's counsel's First Amendment right to petition. See, e.g., *Button*, 371 U.S. 415 (public-interest lawyers who vindicate First Amendment rights); *Brotherhood of Railway Trainmen v. Virginia*, 377 U.S. 1 (1964) (same); *United Mine Workers v. Illinois State Bar Association*, 389 U.S. 217 (1967)(same); and *United Transportation Union v. State Bar of Michigan*, 401 U.S. 576 (1971)(same).<sup>37</sup>

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of Racism in Peer Review: Killing Access to Black and Brown Physicians," *Journal of Health and Life Sciences Law* (May 2022, Vol. 16: Issue 1).

<sup>37</sup> Likewise, Dr. Lewis's counsel, Roderick A. L. Ford, Esq., is entitled all of the *rights, privileges, and immunities* of a "private

**CONCLUSION**

This Court should grant certiorari.

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FEBRUARY 2026      *Attorney for Petitioner*

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*Attorney General,*” because the relief which he is seeking includes the vindication of federal civil rights that are safeguarded under, inter alia, the Civil War Amendments and the Civil Rights Acts of 1866, 1871, and 1964. *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 401-402 (1968)(status of the “private Attorney General”); *Associated Industries of New York State, Inc. v. Ickes*, 134 F.2d 694 (CA2 1943) (same). As such, no United States District Judge may abrogate, through reprisals or retaliatory sanctions, the First-Amendment *rights, privileges, and immunities* of attorney who act as “*private Attorneys General.*”