

Docket Number

~~25-5687~~

ORIGINAL

IN THE UNITED STATES SUPREME COURT

FILED
JUL 07 2025
OFFICE OF THE CLERK SUPREME COURT, U.S.

Plaintiff, Appellant)	
Curtis M. Gorham)	
VS)	Writ of Cert from FSC;
Defendants, Appellee)	Case No: SC2025-0369
Dr. Michael A. Jenkins, et al)	
)	Today's Date: 09/15/2025

"On Petition for Writ of Certiorari to the Florida Supreme Court"

Appellant's Amended Petition For Writ Of Certiorari

Filed By: Curtis Gorham, Pro Se,
3513 Rosewood Cir, Lynn Haven, FL, 32444, (850) 601-4954

QUESTIONS

> Question (1) I became “mentally ill” in 2007 according to Social Security Disability. (See, Exhibits J & K). Apparently I'm entitled to “civil private counsel” I am herein “abused and exploited” by this infringement on my rights and immunity, Constitutional guarantees as a persons determined incapacitated and also indigent. See; Table Of Cited Authorities (Part A).

> Question (2) Since I'm “mentally ill” shouldn't my filing of motions to the court for petition and civil counsel and guardians be considered and the courts going beyond that is the cause of all these problems warranting remanding? See; Table Of Cited Authorities (Part B).

> Question (3) Plaintiff's Florida Supreme Court Motions For Writ Of Mandamus & Injunctive Relief on page 1 stated; I seek a writ of mandamus from the Florida Supreme Court in order to ensure that the defense counsels and the medical experts involved are investigated for the actions in this litigation such that it is all “fraud.” I also seek that the Judges involved are also investigated and their decisions set aside. This may be injunctive relief to enjoin the Judges or a Writ of Mandamus to direct whoever would be responsible to see the Judge “step down” or are disciplined. I will state things very clearly that the experts are not at all in any form addressing the “conspiracy” and “medical battery” that has taken place to me. The failure of the experts to address that as part of their “investigation” is only capable of being “fraud” and “perjury.” Second, the defense counsels are thus doing “fraud upon the court.” The 1st DCA of Florida is making incorrect decisions.

ALL PARTIES

- 1 > Dr. Michael Alan Jenkins
- 1 > Advanced Urology LLC
- 1 > Tatiana Echeverry, RN
- 2 > Bay County Health System LLC (Bay Medical Sacred Heart Hospital 2018)
- 2 > Kendrea Virgil, RN
- 2 > Dr. Gary H. Lavine
- 2 > Dr. Emily D. Billingsley & Unknown Radiology Assistant
- 2 > Bay Radiology LLC
- 2 > Unknown Hospital Orderly
- 2 > Donna Baird
- 2 > Junco Emergency Physicians
- 2 > Joseph R. Impicciche, CEO
- 2 > Dr. Daniel Cousin
- 2 > The State of Florida & Attorney General
- 2 > PayPal, Inc.
- 2 > USAA FSB (Federal Savings Bank)
- 3 > Ascension Sacred Heart Panama City Beach & unknown nurse
- 3 > Kristie Ciamillo NP or ARPN - "Medical Battery Today 09/25/2024"
- 1,2,3 > "Others" in captions about 122 from 37 incidents since October 2018 incident

ALL PROCEEDINGS

(Organized By Court Filed In & Date)

Bay County Court 14th District of Florida - Case Number.: 21000345CA
Gorham, Curtis M vs. Bay Medical Center Sacred Heart Health System
Filed.: 03/15/2021 - (Malpractice Extension)

Bay County Court 14th District Civil Court - Case Number.: 21002199CFMA
State Of Florida vs. Gorham, Curtis M
Filed.: 05/26/2021 - (Criminal Court) - Nolle Prossed.: 05/06/2022

Bay County Court 14th District of Florida - Case Number.: 22000357CA
Gorham, Curtis M vs. Jenkins, Michael
Filed.: 04/12/2022 - (Malpractice Extension)

Bay County Court 14th District of Florida - Case Number.: 22000496CA
Gorham, Curtis M vs. Jenkins, Michael Alan
Filed.: 05/20/2022 - (Medical Malpractice Petition 1) - Dismissed.: 07/05/2022

Bay County Court 14th District of Florida - Case Number.: 22001076CA
Gorham, Curtis M vs. Lavine, Dr Gary H
Filed.: 10/21/2022 - (Medical Malpractice Petition 2) - Dismissed.: 01/11/2023 - Dr.
Cousin's my expert dismissal, plus other cases dismissed over time.

Bay County Court 14th District of Florida - Case Number.: 22003694SC
Gorham, Curtis M vs. Cigna Health And Life Insurance Company
Filed.: 12/30/2022 - (Small Claims Court) - Final Judgment.: 03/23/2023

Bay County Court 14th District of Florida - Case Number.: 23001033CA
Gorham, Curtis M vs. Quesada, Stephanie Dr
Filed.: 07/27/2023 - (Malpractice Extension)

Bay County Court 14th District of Florida - Case Number.: 24000899CA
Gorham, Curtis vs. Ascension Health Alliance
Filed.: 10/11/2024 – Closed – 03/24/2025

>

1st District Court of Appeal of Florida - Case Number.: 1D2023-0358
Gorham v. Cousin, Baird, et al
Filed.: 02/12/2023 - (NOA Final - Circuit Civil – Other) - Dismissed.: 11/29/2023 -
Rehearing Denied.: 12/19/2023 & 12/29/2023

1st District Court of Appeal of Florida - Case Number.: 1D2023-0839
Curtis M. Gorham v. Dr. Gary H. Lavine,
Filed.: 04/07/2023 - (NOA Final - Circuit Civil – Other) - Dismissed.: 11/29/2023 -
Rehearing Denied.: 12/19/2023 & 12/29/2023

1st District Court of Appeal of Florida - Case Number.: 1D2023-1518
Gorham v. State of Florida, Lavine, et al
Filed.: 06/23/2023 - (NOA Final - Circuit Civil – Other) - Dismissed.: 11/29/2023 -
Rehearing Denied.: 12/19/2023 & 12/29/2023

1st District Court of Appeal of Florida - Case Number.: 1D2024-2114
Curtis M. Gorham v. Michael Alan Jenkins,
Filed.: 08/20/2024 - (NOA Non Final - Circuit Civil – Other) - Dismissed.: 10/17/2024

1st District Court of Appeal of Florida - Case Number.: 1D2024-2117
Curtis M. Gorham v. Michael Alan Jenkins,
Filed.: 08/20/2024 - (Original Proceedings - Circuit Civil – Prohibition) - Dismissed.:
10/24/2024

1st District Court of Appeal of Florida - Case Number.: 1D2024-3085
Curtis M. Gorham v. Michael Alan Jenkins,
Filed.: 12/02/24 - Dismissed.: 02/18/2025

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Supreme Court of Florida - Case Number.: SC2024-0036, & 0035, 0034
Curtis M. Gorham v. Dr. Gary H. Lavine, et al.
Filed.: 01/04/2024 - (Discretionary Review - Notice to Invoke - Direct Conflict of
Decisions) - Dismissed.Filing Error: 03/28/2024 - Denied Reinstatement.: 04/03/2024

Supreme Court of Florida - Case Number.: SC2024-1220
Curtis M. Gorham v. Michael Alan Jenkins, et al.
Filed.: 08/20/2024 - (Original Proceedings - Writ - Prohibition) - Dismissed.:
09/24/2024

Supreme Court of Florida - Case Number.: SC2024-1570
Curtis M. Gorham v. Michael Alan Jenkins et al
Filed.: 10/31/2024 - (Petition for Writ of Mandamus) - Dismissed.: 11/01/2024

Supreme Court of Florida - Case Number.: SC2025-0369
Curtis M. Gorham v. Michael Alan Jenkins, et al.
Filed.: 03/19/2025 - (Original Proceedings - Writ - Mandamus) - Dismissed.:
04/09/2025

>

United States Supreme Court - Case Number.: 23-6923
Curtis Gorham, Petitioner v. Gary H. Lavine, et al.
Filed.: 03/07/2024 - Petition Denied 05/13/2024., Rehearing Denied 08/19/2024

U.S. District Court - Northern District of Florida - Case Number.: 5:24-CV-00280-
MW-MJF -
Gorham v. Smiley et al -
Filed.: 12/12/2024 - Pending Final Appeal to USDCA

U.S. Court of Appeal -11th Circuit - Case Number.: 25-11643-J -
Gorham v. Smiley et al -
Filed.: 08/01/2025 - Pending Final Appeal from USDC

Note: Judge Smiley closed all 3 Bay County cases 03/24/2025 due to being a vexatious litigant. Since then I removed all claims to Federal Court. I tried to get civil counsel for that and other cases happening like the Ascension case that was closed without hearing I filed the case and motion for counsel 3/24/25 was closed. Plaintiff has an addition USSC Writ of Cert pending amendment and case # from a FSC case SC2024-1220. The USDC is refusing to provide civil counsel or guardian or removal without amendment. Hence the appeal to 11th Circuit USDC of Appeal.

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TABLE OF CITED AUTHORITIES

PART A

> f.s. 744.3215 Rights of persons determined incapacitated.—

(1) A person who has been determined to be incapacitated retains the right: (d) To be treated humanely, with dignity and respect, to be protected against abuse, neglect, and exploitation. (e) To have a qualified guardian. (k) To have access to the courts. (l) To counsel...

> f.s. 29.007 (2) ...private attorneys appointed by the court to represent indigents or other classes of litigants in civil proceedings... (4) Witnesses, including expert witnesses...

> f.s. 57.081 (1) Any indigent person, ...who initiates such proceeding shall receive the services of the courts... private court-appointed counsel fees;... any other cost or service arising out of pending litigation.

> *Patry v. Capps*, 633 So.2d 9, 13 (Fla. 1994); The Florida Supreme Court has emphasized that "when possible the presuit notice and screening statute should be construed in a manner that favors access to the courts."

> Appointment of civil counsel from this "treaty": The United States signed the ICCPR on October 5, 1977 and formally ratified the treaty on June 8, 1992. The HRC has interpreted the ICCPR as encompassing procedural fairness in civil adjudication, including the right to counsel in civil matters.... Questions entirely.

> Constitution Of Florida., Article V., Judiciary., Section 14. Funding. (a) ..court-appointed counsel...(b) ..Where the requirements of either the United States

Constitution or the Constitution of the State of Florida preclude... costs... (c) ..court-appointed counsel..”

> Art. I, § 21, Fla. Const., "Section 21. Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."

> 744.101 - the "Florida Guardianship Law."; 744.102 Definitions. - (12)
"Incapacitated person" means a person who has been judicially determined to lack the capacity to manage at least some of the property or to meet at least some of the essential health and safety requirements of the person.

PART B

> *Davis v. Wechler*, 263 U.S. 22, 24; *Stromberg v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449, "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

> *Sherar v. Cullen*, 481 F. 2d 946 (1973), "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."

> *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959), *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240, *Pucket v. Cox*, 456 2nd 233, Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.

> *Elmore v. McCammon* (1986) 640 F. Supp. 905, "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

PART C

> f.s. 29.007. Court-appointed counsel.— (2) ..private attorneys appointed by the court to represent indigents or other classes of litigants in civil proceedings requiring court-appointed counsel in accordance with state and federal constitutional guarantees and federal and state statutes. (4) Witnesses, including expert witnesses, summoned to appear for an investigation, preliminary hearing, or trial in a case when the witnesses are summoned on behalf of an indigent, and any other expert witnesses approved by the court.

> f.s. 57.081 Costs; right to proceed where prepayment of costs and payment of filing fees waived.— (1) Any indigent person,.. who initiates such proceeding shall receive the services of the courts,.. private court appointed counsel fees; and any other cost or service arising out of pending litigation...

CITATIONS OF THE ORDERS ENTERED

04/09/2025 via "Supreme Court Order Denying Petition For Writ Of Mandamus SC2025-0369" (See, Exhibit N)

JURISDICTION

Supreme Court of Florida case number SC2025-0369, Curtis M. Gorham v. Michael Alan Jenkins, et al, was dismissed on 04/09/2025 via "Supreme Court Order Denying Petition For Writ Of Mandamus SC2025-0369" (See, Exhibit N). Jurisdiction in states cases 28 U.S.C. 1257(a). Article 3, Section 2 Constitution establishes jurisdiction of the Supreme Court. Has authority and final say when a right is protected by Constitution or when a Constitutional right is violated. Such as my right to civil counsel and consideration of a petition. The FSC dismissal order (Exhibit N) is this it reads entirely;

"Because Petitioner has failed to show a clear legal right to the relief requested, he is not entitled to mandamus relief. Accordingly, the petition for writ of mandamus is hereby denied. See Huffman v. State, 813 So. 2d 10, 11 (Fla. 2000). No motion for rehearing will be considered by the Court."

5 U.S. Code § 706 - Scope of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency action, findings, and conclusions found to be
 - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) contrary to constitutional right, power, privilege, or immunity;
 - (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
 - (D) without observance of procedure required by law;
 - (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
 - (F) unwarranted by the facts to the extent that the facts are subject to trial de novo

by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

THE CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, AND REGULATIONS

f.s. 29.007 (2)(4)	15
f.s. 57.081 (1)	15, 21
f.s. 95.11	10, 11, 17, 18, 24, 27
f.s. 120.52 (8) (a)(b)(c)(d)(e)(f).....	13, 14, 15
f.s. 120.68 (1)(a)	12, 14, 15
f.s. 120.81 (4)(a)	15
f.s. 744.101 -	17
f.s. 744.102 (12)	17, 27
f.s. 744.3215 (1)(d)(e)(k)(l)	15
f.s. 766 Medical Malpractice Act, Presuit & Experts	11, 14, 28
f.s. 766.102 (1)	8
f.s. 766.201 (2)(a)(1) & (2)	15, 16
f.s. 766.202 (5)	12
f.s. 766.203 (2)(b)	11
f.s. 766.205 (1)	12
f.s. 744.101	17,
ICCPR ...International Covenant on Civil and Political Rights...	11, 13,
Absurd Results Doctrine	10, 11, 25
Part B	13,
Part C	15,
Florida Supreme Court decision cited with Ham v. Dunmire , 891 So.2d 492, 499 (Fla. 2004) ; Kukral v. Mekras , 679 So.2d 278, 279 (Fla. 1996).	17,
Res Judicata	18,
18 U.S.C. § 1514	19,
18 U.S.C. § 241	19,

A CONCISE STATEMENT OF THE CASE

The clerk gave 60 days to amend from July 15 order not counting that day total of 60 filed September 15 2025. I amended this appeal from the Florida Supreme Court case before. I seek to have the Florida Supreme Court filing

determined to be a Writ of Mandamus as filed originally in that court that seeks relief and remedy for these matters to be reviewed and remanded.

As a conspiracy victim, incompetent and indigent I filed a civil rights petition mass action 3 times with 3 cases over time to be combined so its filed 3 times (poorly constructed "Shotgun Pleading" apparently regardless lacking experts) trying to get civil counsel appointment or a guardian that would retain experts or the court could handle it otherwise due to law and the petition aspects (and now I've filed 4 times with removal to federal court that failed due to previous DCA decisions). I should have filed in Federal Court all along instead so it may be "harmless error" or "excusable neglect" "res judicata" for "not being fairly decided" or now "corruption" taking place the Judge should have just closed the case originally and not made medical malpractice rulings on the defendants motions to dismiss on grounds of no experts while refusing to appoint me counsel. This petition for cert is final in all ways all just a paramount level of denial of relief is why I was again in FSC herein and DCA trying to get relief to avoid this circumstance and enable federal court removal and counsel still being denied requiring me to engage with a unrealistic levels of legal filings every week for the past few years that never ends it is a clear abuse of discretion for a "disabled" litigant and in violation of law "as a matter of right." It doesn't make sense (void for vagueness) how a "incompetent" or indigent person is cable of being given counsel with a filing of a medical malpractice case as a pending litigation mass action. The court treated it like it was a normal case filed ready for trial instead of pending. I named "Others" in the captions of all 3 cases

filed to signify the mass action defendants to preserve my rights which all means nothing now.

Cases History: First I filed Dr. Jenkins with various causes of action including "medical malpractice" within 2 years (of the f.s 95.11 statutes of limitations) on 5/20/2022, I then filed Dr. Lavine within 4 years on 10/21/2022, and I finally filed Ascension on 10/11/2024 but in this case without any presuit notice taking place and within only 2 months of the 9/16/2024 medical appointment where I was poisoned (again) all of these are conspiracy incidents for the medical providers and law enforcement defendants but there are other defendants. All 3 cases were closed on 3/23/2025 and the orders including stating I am a vexatious litigant as why, which was a recent LT and DCA matter I am now banned from filing on these cases officially. No consideration in LT or DCA or FSC herein for "new trial" or defaults that I did motion for as well for the parties not appearing to the summons. The state of Florida didn't appear.

**A DIRECT AND CONCISE ARGUMENT AMPLIFYING THE REASONS
RELIED ON FOR ALLOWANCE OF THE WRIT**

Compelling reasons for the Court's exercise of discretion due to the departure from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. Also the Bay County court essential has been the only court to decided these matters since the Judge dismissed the case(s) and the DCA agreed or misunderstood which is an abuse of discretion by both or corruption, thus the state court of last resort has decided an important federal question in a way that conflicts

with the international treaty ICCPR and generally constitutional and state law matters regarding civil counsel appointment since under f.s. 766 without a civil counsel and so many parties involved I could never afford the “experts” and thus it is a denial of access to court a civil rights matter for “disabled” people and generally a petition for relief matter making it all an “absurd result” doctrine matter. The state Judge can simply refuse me counsel to refuse me experts then when I appeal make me a vexatious litigant. Not the intention of any legislature to have the law interpreted or conducted in this manner. Also, see the “exhibits” for “mental health” they explain finally why the case should be remanded, it was never introduced in the state or other courts as it is here now.

APPENDIX

Exhibit N: Supreme Court of Florida SC2025-0369 Decision - 04/09/2025 - 2 Page

Exhibit M: 05/13/25 Ep - Order Closing Case Vexatious Litigant - 1 Page

Exhibit Y: CT Scan of my legs and pelvis - 1 Page -filed before in Dr. Lavine

Exhibit A: Hospital ER Record "Old Records Reviewed." - 1 Page -never filed before

Exhibit C: Fort Walton Beach Okaloosa County, Florida, 2018 - Involuntary Baker Act Judge's Order. - 1 Page -never filed before

Exhibit D: Fort Walton Beach Okaloosa County, Florida, 2018 - Guardian Appointed Judge's Order. - 1 Page -never filed before

Exhibit J: Emerald Coast Behavioral Hospital, Florida, 2014 - Mental Health Diagnosis. - 1 Page -never filed before

Exhibit K: (Redacted) Social Security Benefits Verification Letter, 2025 - 1 Page -never filed before

Florida SC Motions for Writ of Mandamus & Injunctive Relief - 03/19/2025 - 9 Page

ARGUMENT

The defendants medical experimentation and conspiracy and now case law created warrant granting this cert petition. I am entitled to civil counsel. The DCA never got a final appeal the case was closed because I was banned for being vexatious. The law says I have a right to appeal. (f.s. 120.68 Judicial review.—(1) (a)). Its a access to court due process violation matter that includes my rights to counsel who retains experts. The expert I did retain said enough to prove my claims and encourage me to get counsel and other experts.

766.205 Presuit discovery of medical negligence claims and defenses.—
(1) Upon the completion of presuit investigation pursuant to s. 766.203, which investigation has resulted in the mailing of a notice of intent ..., corroborated by medical expert opinion that there exist reasonable grounds for a claim of negligent injury,...

The problem is a mass action conspiracy so I can't do all the presuit and the definitions of f.s. 766.202 (5) even outline that an “investigation” is done by a counsel so it appears to be a regulation for counsel and void for vagueness and repugnant to the constitution.

This Writ of Cert is from the Florida Supreme Court SC2025-0369 case filed 3/19/2025 seeking counsel and other relief via Writ of Mandamus and Injunctive Relief filed after the USSC didn't accept my original Writ of Certiorari 3/7/2024 from the 1st DCA decisions on 11/29/2023 “Affirmed in part Dismissed in part.” Meaning USSC didn't grant the writ in 2024 so I filed in FSC for relief 8/20/2024 and then filed this Writ to the FSC later on 3/19/25. I also filed for the same relief in the 1st DCA and other similar relief (for counsel and new trial) in the Bay County

Court. Between 8/20/2024 and now nothing has changed or been granted and I was found to be vexatious. Also during a 9/16/2024 medical appointment I was poisoned (again) so I then filed the Ascension case (3rd case) on 10/11/2024 which was closed on 3/23/2025 with all 3 cases. Making it so I have been sitting here poisoned all along and I am having to continually file. So this means in the local court I can't file a lawsuit asking for counsel so how do I seek relief? Pay counsel to file for counsel now? I am not currently a person who would be a "ward" of the state incompetent but I do have "mental incompetence" that grants me Social Security Disability since 2007. The aspects of several cases include mental health matters as well including the defendants. So the USDC currently, the LT and DCA and even the FSC 1220 decision herein all make no sense when the literal case here has mental health "findings of incompetency" as a part of what the defendants "did to me." Not understanding a case is abuse of discretion (citations omitted). Pro se substantive filing rights (See, Table of Cited Authorities - Part B) are if you file something should be considered which would include my motions for counsel and or a guardian so that is what a federal question of law would be about herein the incompetency and pro se aspects. Making it so the Judge denied motion for counsel while taking up the defense motions instead of just closing the case ultimately needs to be remanded for that. Questions of exceptional importance obviously exist such as civil counsel appointment and conspiracy it is in violation of international treaty, the United States signed the ICCPR on October 5, 1977 and formally ratified on June 8, 1992. (See Table Of Cited Authorities Part A). "The HRC has interpreted

the ICCPR as encompassing procedural fairness in civil adjudication, including the right to counsel in civil matters.”

The Dr. Jenkins case was dismissed without prejudice to amend it in 45 days with an expert, then Dr. Lavine, Dr. Billings, Bay Medical, all other medical providers in the 2nd lawsuit filed including my fraud expert Dr. Cousin were dismissed with prejudice and no amended complaint. Then Ascension was just closed. Making it all possible outcomes of denial of access to court in this civil rights petition without any remedy possible to happen without counsel retaining experts for me. Or some form of court considerations that haven't taken place. So that is why the USSC should take this writ. It's “absurd results doctrine” denial of access to courts due process rights. Also seems 120.52 (8) “Invalid exercise of delegated legislative authority” applies to the Judge's decisions. 120.52 (8) (c) “...enlarges, modifies, or contravenes the specific provisions of law implemented, (d) ...vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency; (e) ...is arbitrary or capricious.”

In the Bay County 14th Circuit Court of Florida all efforts were dismissed 1 by 1 and so then all appeals made as a result of Judge Smiley's decisions resulted in me being vexatious. All appeals were to get counsel or recognition of the petition and none of the courts remanded or granted any relief including 1ST DCA, FSC, USSC, and in December of 2024 I tried to remove it to USDC, then a 11th Circuit USDCA appeal recently. The “issue” is I never got a “final” appeal in the LT for new trial or appeal to DCA for the preserved objections. They both banned me from

filing on the case, and or closed the case. See;

> f.s. 120.68 Judicial review.—(1)(a) A party who is adversely affected by final agency action is entitled to judicial review.

My intentions were to get civil counsel and explain the mass action so they could determine how to amend the case. If that happened wouldn't be any federal questions or civil rights aspects to the petition anymore aside from "timing" considerations of how to file it as a mass action. The problem I have with f.s. 766 medical malpractice act is without counsel I have no ability to get medical experts and thus can not do any "presuit" or even trial unless indigent aspects took place if I did have my own expert affidavits so the 766 act is void for vagueness repugnant to the constitution. But the LT refused me counsel and even state laws say "pending litigation" experts can be brought in. See; Table of Cited Authorities (Part C) f.s. 29.007. Court-appointed counsel.- (2),(4) & f.s. 57.081 Costs.

In regards to some defendants no "corroboration" is needed by experts according to 120.81(4)(a), for these matters that include "sexual assault" which triggers the "exceptions." See;

120.81 Exceptions and special requirements; general areas.—

(4) REGULATION OF PROFESSIONS.— ...in a proceeding against a licensed professional ...which involves allegations of sexual misconduct:

(a) The testimony of the victim of the sexual misconduct need not be corroborated.

The word "corroborated" and "testimony" is the same as "medical expert opinion and review" as used in f.s. 766 various places. I am being required to "corroborate" due to defense counsel frivolous defenses under the "medical malpractice act" for their clients who poisoned my pelvis, imaged my pelvis and over

exposed my pelvis to radiation, so it is sexual assault. See;

766.201 Legislative findings and intent.— (2) It is the intent of the Legislature to provide a plan for prompt resolution of medical negligence claims... (a) Presuit investigation shall include: 2. Medical corroboration procedures.

Also under Florida law f.s. 744.3215 I am entitled to access to court and civil appointment of private counsel for civil lawsuits. See;

f.s. 744.3215 Rights of persons determined incapacitated.—

(1) A person who has been determined to be incapacitated retains the right: (d) To be treated humanely, with dignity and respect, to be protected against abuse, neglect, and exploitation. (e) To have a qualified guardian. (k) To have access to the courts. (l) To counsel...

Therefore I need to have appointment of a counsel. There is “new law” “petition” “fraud upon the court” “expert perjury” and “conspiracy” “mass action” “government lawsuit” “law enforcement lawsuits” all present here which even makes “medical malpractice” not valid it is “personal injury” for medical battery yet the courts incorrect process has infringed on all my rights and immunity and claims and exceptions. See, 120.52 (8) “Invalid exercise of delegated legislative authority” and also I am unable to appeal the final case closure or the Dr. Jenkins case at all.

120.68 Judicial review.— (1)(a) A party who is adversely affected by final agency action is entitled to judicial review.

Because the LT and DCA made me vexatious I couldn't appeal final decisions and my “objections” all along with the cases being closed and I'm vexatious I tried but it didn't result in anything so my “final appeal” never took place. The clerk denied filings or put them in a holding que. Yet law says I am entitled to review in 120.68(1)(a).

The defense might say its frivolous under the f.s. 766.201(2)(a)(1) intent;

“investigation precede both malpractice claims and defenses in order to eliminate frivolous claims and defenses.” But under f.s. 766.201(2)(a)(2) I win with the exception and entitlement to counsel. They have the frivolous defense.

CONCLUSION - Part 1

As a “pro se” filer anything I filed according to various case laws included herein is supposed to be considered so to ignore a motion for counsel is an abuse of discretion and case law and failure to understand the case or corruption of court. Such as Judge Smiley and DCA won't appoint counsel yet I have a petition ready to be removed to federal court or provided counsel. My retained expert lawsuit was dismissed without chance to amend for lack of “elements” which would be what is considered a “pending litigation” or “preservation of rights” filing for counsel. Ultimately a civil rights issue for due process to compare my claims and petition to the law and outcome of others. Equality wise was the other patients involved with a cover up and refusal to give records and deleted records all discovery violations and ongoing f.s. 95.11(5)(c) exceptions for fraud, concealment and intentional misrepresentation of fact to the statutes of limitations including my own expert. May even be all personal injury not medical malpractice.

Florida Supreme Court Tries To Draw Line On Malpractice Cases

April 27, 2018 [<http://www.newsdaytonabeach.com/stories/florida-supreme-court-tries-to-draw-line-on-malpractice-cases,4397>]

..The Florida Supreme Court on Thursday ..contrary to the First District's conclusion, medical expert testimony on the professional standard of care would not be necessary ... determination that the plaintiff's presuit expert witness was not qualified is de novo. Additionally, we hold that, before a medical malpractice action can be dismissed based on a trial court's finding that the plaintiff or plaintiff's counsel failed to comply with the informal presuit discovery process for medical malpractice actions, the trial court must find that such noncompliance prejudiced

the defendant. This holding is consistent with our precedent, which makes clear that before an action can be dismissed for a plaintiff's failure to comply with discovery, the trial court must find that the plaintiff's noncompliance prejudiced the defendant. See, e.g., *Ham v. Dunmire*, 891 So.2d 492, 499 (Fla. 2004); *Kukral v. Mekras*, 679 So.2d 278, 279 (Fla. 1996).

"On appeal, the reviewing court should determine whether there was, in fact, a discovery violation and whether that violation prejudiced the defendant." To hold otherwise would not only deprive plaintiffs of their constitutional right to access the courts but would also frustrate the Legislature's intent in enacting the medical malpractice statutory scheme.

744.101 - ... the "Florida Guardianship Law."

744.102 Definitions.- (12) "Incapacitated person" means a person who has been judicially determined to lack the capacity to manage at least some of the property or to meet at least some of the essential health and safety requirements of the person.

The "lack the capacity to manage at least some of the property" this "property" seems to be "rights" and what the law is outlining why the guardian exists and or why civil counsel appointment exists. "Capacity to sue." The legal principle is you can't sue twice for the same thing that has been fairly decided (*Res Judicata*) but what have I sued for that I am not allowed to remove, nothing was properly filed or decided here, I simply filed for counsel in State court with an elaborate filing that outlined why is what happend.

The defense counsels stated they don't understand what I am suing for and I have no expert yet they ignore the conspiracy discovery rules violations with due diligence and which is "exceptions" under f.s. 95.11 (5)(c) for fraud and that no presuit ever took place. The Judge just ignored it all including my motion for counsel and continued to make decisions, so now the federal court is saying I can't take a case removal.

Questions of exceptional importance obviously exist such as civil counsel

appointment and conspiracy for all 100 parties a real problem for me to manage this litigation and it is a abuse, and exploitation pending litigation as a indigent I can have a expert and other provisions of the court and expected considerations not being ignored. See;

18 U.S.C. § 1514, defines "harassment" as "a course of conduct directed at a specific person that causes substantial emotional distress. 18 U.S.C. § 241--conspiracy to injure or intimidate any citizen on account of his or her exercise or possibility of exercise of Federal right.

CONCLUSION - Part 2

I have a chronic fatigue problem from before the initial 2018 medical malpractice personal injury incident that took place involving the nurse injecting me and radiation over exposure which causes fatigue as a known effect along with the broken back that wasn't diagnosed by the hospital staff, followed by 37 other incidents of denials of care and direct harm from medical providers including poisoning. So that would be the "extra ordinary circumstances" regarding health and fitness in regards to need for a civil appointment of counsel, which the laws provide counsel for such reasons and include mental health problem since 2007 that social security has given me "disability benefits." It would seem civil counsel would be appointed for all three reasons, physically, mentally incapacitated and the mass action of over 100 parties along with the circumstances of each incident representing new complexity and problems for me.

In December of 2018 just 2 months after the initial back injury hospital incident I was placed into a mental health facility in Fort Walton Beach and they appointed me a guardian by court order. The defense in this case has argued that I

have not given them mental health records as a reason to dismiss the case but in fact there are actually various aspects of the incidents and parties involved as "Others" in the caption and explained by me on the docket as to amending in those parties with a civil counsel which would bring all such medical records into the case and so it is clear the Judge is not understanding the case(s) and is allowing the defense to make frivolous claims. I mean literally that some of the actual defendant parties are "mental health" providers yet I can't get a guardian or civil counsel and so clearly the defense is going to argue in all ways possible since they will never admit to a medical malpractice since there is a criminal aspect involved and potentially jail or medical license consequences and so the defense will fight. Be the same if a doctor had their partner come to the office for a annual check up and said they wanted a divorce and then poisoned the partner, it wouldn't be a negligent medical malpractice that happened it would be a criminal act and insurance would likely not pay for it. This is what the medical providers have done to me often times to poison me and I currently have been poisoned from sitting on a doctors office chair causing more problems for me since. This is the Ascension lawsuit that was closed by Judge Smiley before any sending of summons or service or hearings. Just filing it and motion for counsel. It was closed on the same day with the 2 other case previously filed and appealed case (Jenkins & Lavine) in state court. This is why it is also removed all 3 of them and more parties added. Making it a on going pending litigation all along seeking the same relief of civil appointment of counsel.

Maybe it can be true that Judge Smiley and the court made me indigent

certified with a certificate by the clerk when filed, but then the law that says I can have a court reporter also and that also wasn't provided, and that would be a "service of the court" if Plaintiff is indigent according to law (f.s. 57.081 "any other cost or service arising out of pending litigation") so, then nothing that took place in any hearing was valid, it left me unable to properly appeal, or object, this is why the court found me to be vexatious later after appeals, I had nothing else to do argue just what happened with the parties damages, not what was stated in hearings, the DCA won't allow appeal without transcript except under certain motion circumstances, so I was set up to fail, in violation of the law by the Judge by not giving me counsel or a reporter to not appeal and win, and that is also why they made me vexatious, because it prevented a final appeal and Judge closed the cases which still had parties and causes of action, and DCA even warned me with my first appeal, and I even asked to provide my own transcript and it was denied, and Judge is striking everything now, so legally nothing took place, what took place was illegal. I can't be held to have waived a reporter, I am entitled to the reporter for hearings and depositions because I am indigent it is a service of the court.

I didn't get a chance in the Dr. Lavine case to file any response to the motions to dismiss so all I can argue in appeal is I filed the lawsuit, the Judge dismissed it without giving me counsel, then appeals court would read the motions to dismiss by defense counsels and they only said to the appeals court and Supreme Court "this case was already decided" and so the reason I never filed any response, objection, motion for more definitive statement, which I was working on when the case was

filed, opposition, was because I was both tired from also doing the Dr. Jenkins case which I was then rushing to put together the Dr. Lavine case because of Smiley's decisions and denials, to file on time and then three of the defense counsels in Lavine filed my personal information and so I had to stop oppositions and file to remove those, with numerous law rules on the topic of personal information filing it is very deep with multiple rules, and includes all filings sent need to be returned, and they are not as far as I know, but all their motions to dismiss were locked down on the docket, and Judge ordered the information removed with court orders, and then it kept happening and I had to keep filing all the way through DCA appeals and it still happened even in the end the experts counsel filed my personal email for the motion to make me a vexatious litigant and I filed on that to remove it again, hold the defense in contempt its the 10th time, then with the notice of hearing it was filed again after it was just removed by them, so it is a malicious act by various defense counsels all along which also took up appeal words for me, and is still unresolved, and should have never happened with appointment of civil counsel and took away from opposition filing at the start and numerous other problems like giving the adversary defendants in a mass action all my personal emails and information. Regardless legally it is as if the motions to dismiss were never filed says the rules, and violation of the rule means that the filing was never made according to the rules. Yet they sit there on the docket to this day and Judge Smiley ruled on them. Judge Smiley even signed a motion to dismiss with my personal email on it that had previously stated he would remove, and DCA

mistakenly thinks that is the only reason why I appealed, in their decision, it makes no sense, they would refuse the rules of court and the impact it has had, and all the numerous problems, malicious problems associated, and I can not file on the cases anymore the clerk refuses. So my personal information is just stuck on the public dockets some not locked. The defense refused by ignoring the matter to remove and so the lower tribunal couldn't even file the docket up to the DCA and then did anyways. As a matter of fact the expert's defense counsel sent me a pleading with it saying "email omitted for the concern of the Plaintiff" which is meaning they acted like they didn't understand the courts decisions to remove by court order so many times along with a court hearing where it was brought up, a clear violation, just as USDC is holding me to amend the case and in violation of a court order, the clerk of court and Judge and defense counsel are all in violation of the court orders, she never even served me once in a pleading, so that makes her pleading moot, doesn't it? A liability avoidance if she acted like she didn't understand what email to file it is only present in every other pleading and order of the court on the docket what lawsuit email to use for example, there is other personal information as well.

So in total Judge Smiley refused court reporter, refused civil counsel, refused guardian, refused numerous motions, protective orders, new trial, and refused case law, refused statutes, refused personal information violations, refused contempt of court violations, and then made me a vexatious litigant and closed the 3 cases on the same date which still had causes of action and parties involved. Staggering when he could have just said go to another court to get civil counsel. Or provided

court considerations. It is also "arbitrary" as he allowed 45 days to amend the first case with an expert affidavit but that would cause me to waive other cases, and then he closed all 3 cases so which is it 45 days to get an expert or no filing at all? Large gap between those court decisions. Also my one retained expert I sued for fraud and perjury the courts didn't care at all or about its impact and "exceptions" in f.s 95.11 that are discovery rule violations which assist me in making my case(s). Overall it's not rule of law its law by rules. And even when the law is in my favor the Judge sets it aside. It's denials of access to court and taxation without representation scenario of no civil counsel for the qualified litigants. It is the only way I can proceed really. I need experts either from the court or civil counsel can retain them and the court will pay the counsel back according to the law.

Ultimately, the Judge is acting like he has to do what the law says, but in doing so is denying me all relief provided in the law and making me represent myself, which resulted in dismissals and being made a vexatious litigant banned from filing, so it is the law the judge has to make me vexatious if he wanted based on facts, but the facts are he refuses the facts all along and law yet makes other dispositive law findings. It is just corruption and makes no legal sense except in the context of corruption. I can point to an exception or law and it is ignored scenario happened. The court made incorrect decisions like DCA saying my expert did a review. He didn't he refused evidence and so I can even point at evidence to prove the court is blatantly incorrect. Can't be favor access to court also denial acces.

The problem is that the medical providers have a mentality according to my

own medical expert that if the wrong test is ordered they have to do it, he said in an email to me, and so that means, they are allowing negligence that causes harm to a patient because they can pass the negligence on to the doctor who ordered the exam knowing at the time it is the wrong exam to do according to my narrative of the incident according to the evidence that exists my experts refuses to address according to the obvious lack of a diagnosis and according to my complaint and the hospitals refusal to provide me informal discovery such as video evidence, medical records and providers names yet the defense motion to dismiss without any discovery taking place and them covering it up all along to include my own expert refusing to address the evidence like 2 missing exams and 14 x-rays minimum. It isn't the radiologists fault it is the ER doctor's fault for writing the order. Yet my expert said in addition that it would have been negligence if the radiologist didn't do the exam that was ordered. How can the expert say if no harm is done it is a negligence, it is nonsense and absurdity. I can't imagine a scenario where the staff are allowed to lie, allowed to cover up for wrong orders written by other staff, and forced to do exams when there is a hospital policy in the actual records to use the lowest amount of radiation (ALARA Principle), yet if they don't they are liable for 'damages' to the patient and what "causation" would there even be, as well if they know it is the wrong exam what were the radiologist even looking for, it is a medical standard of conspiracy to do patients harm and thus nonsense and absurd, even likely applicable under the Florida "Absurd Results" doctrine? It wasn't to make a diagnosis, and they know it, so when they wrote a radiologist report that lacked

mention of doing a exam that was wanted, they should also be negligent for making it seem like there was nothing wrong and covering it up.

If I worked at a car parking valet stand and constantly brought customers the wrong vehicle my expert would say I had to bring the wrong vehicle is the same logic, I know the customer said he drives a red ford, but the key tag was hung saying blue dodge, so I took the customer the blue dodge knowing he would say this isn't my car. I say sorry the key tag said I had to bring you a blue dodge not a red ford. I know the key fobs are different but the key fob for the blue dodge was on the red ford and vis versa and so I'd know it is wrong, but I did it anyways. Which is to say the radiologists know a back injury is either lower back (lumbar) or middle back (thoracic) and so it is either lumbar plus a pelvic sacrum injury below in the pelvis like for a broken hip or it is a thoracic spine middle spine injury that can travel all the way up the lower back portion of the thoracic through the middle back to the neck spine. So the radiologists did the exam of the lumbar and pelvic sacrum bone and that is all they admit to except the records show 14 missing x-rays minimum and entire 2 missing exams so it can be any number of extra exposures to ionizing radiation and be medical experimentation and eugenics.

Its as obviously wrong as a valet bringing a blue car to a person saying they drive the red car. So what happens when the valet walks away? That is what staff has done they told me to leave the hospital and go to a back doctor. It would be the same to say a parent goes to school for a parent teacher meeting and starts talking about Joe but the parent says my kid is Dave, and the teacher says my papers say I

need to talk about Joe to his parents next and you are next so we need to talk about Joe, it is nonsense. Nothing is accomplished and it is insane. That is what the staff and my expert are trying to fraudulently pass off as a medical standard that the exams done knowingly wrongfully were ok to do and the expert omits mention of any medical records in his report. The records say I had a “still had a lumbo-sacral pain when re-examined later” but I never had any such pain and the staff knew it it was supposed to say “lumbo-thoracic” with my injury being at T12 in the thoracic which was never imaged this night it was later imaged with a another hospital x-ray exam. Hence my expert is doing perjury and fraud and its causing f.s. 95.11 exception for those acts and omissions along with the hospitals cover up. Adding more statutes of limitations time by 2 years since the discovery of the fraud. As soon as the court will give me the entitled civil appointment of counsel and a court reporter we can continue with these matters as the law has provided to be done all along. My expert needs to be deposed to show he is doing fraud. Has no “standards” to offer nor do any defense experts. They are all wining based on the fraud of my expert, the refusal of the court to give me counsel to get more experts, or a court reporter and the fraud upon the court by the defendants and counsels.

A CT scan of my entire pelvis down to my legs knees for no reason with no injury. This is what the expert is saying should occur but its a violation under f.s. 766.102 for “lack of informed consent” and “medical battery” which is personal injury not medical malpractice and my expert not citing any standards or the defense and their 766

“reasonable investigation” and so how can he cite a standard like medical providers should knowingly do harmful exams on purpose knowing it is wrong when the literal medical provider credo is “do no harm.” The failure of the defense to do a “reasonable investigation” can be determined by the Judge and defense dismissed, and thus it is impossible to say they did when their experts say nothing and there is “preserved information” held by the hospital at my request which was never given to me, including the doctors orders, the video of the visit from security cameras, and medical records, there are 2 missing exams and so nobody can even say “nobody did anything” clearly they did, and then later Dr. Jenkins gave me a disease during a exam to determine what harms the radiation did and so it is all a conspiracy cover up mass action pending litigation for civil counsel to retain experts or the court or the a guardian and thus it is not properly decided to force a disabled and victim rights litigant who is so prejudiced by the incorrect decisions of the courts. They say my expert did a review. Clearly he has not if there is no mention of the 2 missing exams and he has told me “nobody wants to hear that” in our zoom meeting and I sent him emails outlining all of it and he says to get a counsel, so that is what I tried.

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(Date)

CURTIS GORHAM
/s/ Curtis Gorham

Signature