

Docket Number: 25-5687

IN THE UNITED STATES SUPREME COURT

Plaintiff, Appellant)	
Curtis M. Gorham)	
VS)	Writ of Cert from FSC;
Defendants, Appellee)	Case No: SC2024-0369
Dr. Michael A. Jenkins, et al)	
)	Today's Date: 12/12/2025

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

Appellent's Petition For Writ Of Certiorari Rehearing

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

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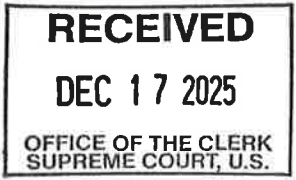
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Introduction:

Appellant requests rehearing with reasoning limited to these intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, that it is presented in good faith and not for delay.

Despite efforts to bring these matters to justice and get represented by a civil counsel I have now different results from courts on the topic of counsel and not only been consistently ignored by the state courts, county court, First DCA and Florida Supreme Court, but I have entirely been banned from courts as a vexatious litigant incorrectly as a result of harms I have physically and otherwise suffered due to the local conspiracy taking place over several years since the initial incident in 2018 by medical providers which has once again just in past month I discovered another incident of fraudulent medical statements specifically that "I was making threats" to a local walk in clinic staff when I wasn't over a month ago. I have also been provided counsel in one court yet denied a guardian or any access in state court.

Argument:

The court sees it as my burden overall but under f.s. 29.007 I get access to court it is not from f.s. 766 and courts are refusing relief under 29.007. So the Judge ignoring my motion for counsel and then calling a hearing on a motion to dismiss was incorrect legal procedure. He forced me to appear then claimed I was filing pro se frivolous filings that are vexatious in his findings in the end. Inversion. Deny me counsel then claim I filed pro se vexatious bad faith filings. Never would have happened if he gave me the counsel I requested or a hearing first before the

motion to dismiss hearing. Setting aside law then claiming I have done bad faith filing.

The Florida Supreme Court should review and answer some questions. This is why it is a public problem as well, including that I just last month sent a filing to the local court to get appointed a guardian and it was denied on its face due to vexatious finding previously alone. The statute for guardianship in the law includes that the law was made to get access to a guardian specifically to be able to go to court and request it. At the same time the United States District Court of Appeal for the 11th Circuit has provided me a civil counsel in their court. Due to me being indigent and incompetent. So I finally have a court giving me counsel but they say there is no Constitutional reason to do so, (see two court decision exhibits). So then why does the Florida Statutes say there are “Federal Constitutional guarantees?”

> 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 (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.

> (a) The expert in this case doing fraud is very disrespectful to the legal system. My initial email to him said I was over exposed to radiation he said “nobody wants to hear that” about the conspiracy and facts and he didn't review the

evidence presented in his report. The obvious harms caused to me along with the continual harms amount to something a court has to be involved with fixing.

> (b) Next are three defense counsels that filed my personal emails which is a violation of the rules of civil procedure. They are supposed to have the filings returned that were sent out and their motions to dismiss are as if never filed according to the rule of privacy.

> (c) The state court Judge Smiley ignored my motion for counsel yet called a hearing on a motion to dismiss instead of on counsel for me and he continually refused to appoint me civil counsel or any other relief and even doing this was “setting aside the law” even though I am indigent and mentally incompetent. The defense appears to be in violation of numerous statutes for their acts such as no reasonable investigation under 766. Another for contempt of court for filing my personal emails. Another co-opted the fraud expert I am suing in this litigation.

> (d) Judge Smiley followed by the DCA have made me a vexatious litigant illegally. My filings are made in “good faith” and that is an exception in the statute which means the court believe my filings to be in bad faith. Judge Smiley and DCA never determined if my expert is doing perjury. Then allowed his defense counsel to file a motion to make vexatious claiming I was making frivolous filings and lost more than 5 cases that are “final” and “adversely decided” the problem is the court is setting aside law to arrive at dismissals in this pending litigation. It makes no legal sense.

> Florida Constitution, Article 1, Section 16 – Victim Rights;

(a) Rights of accused and of victims.— “to confront at trial adverse witnesses”

(c) The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.

The DCA didn't grant me victim rights of the lower court. Never said why.

> f.s. 766.202 Definitions

(5) "Investigation" means that an attorney has reviewed the case against each and every potential defendant and has consulted with a medical expert and has obtained a written opinion from said expert.

> (e) Long story short SCOTUS should remand this matter to the Florida Supreme Court and ask them to answer a few questions that will be controlling. (a) Is it that I should have filed under 766 or (b) under 29.007 not f.s. 766 the medical malpractice act that gives me access to court it is 29.007. (c) "when was the date" that I should have filed under either of those. (d) Why isn't my expert being held for perjury for refusing to review evidence? (e) Why is the defense counsel able to repeatedly file my personal emails in violation of the rules of privacy for filing. (f) Why is the Judge allowed to close all cases against all parties just because he found me vexatious incorrectly. (g) What does "Others" in the caption mean legally and why is the Judge ignoring it. (h) And any other aspects or elements scotus would want answered. (i) What can a person do in a similar conspiracy situation? (j) is it medical malpractice, or personal injury, and is it premise liability? (k) how many of the defendants actually require a "review" under 766 it says doctors and nurses but only specific types of doctors and nurses did the hospital need to be reviewed, the risk manager, the records department for refusing me records? Ultimately, (l) did

the defense do a reasonable investigation and or any fraud upon the court and (m) why are there no standards of medical care in this case? (n) is it a pending litigation or civil rights new law matter if civil counsel appointment is being denied and is it finally and adversely decided when the law is set aside or in bad faith or good faith if it is good I can't be vexatious, if not final and if not 5 or more cases since it is all 1 essentially pending litigation as 3 cases filed to be combined.

A in depth review of these questions will resolve all the questions. It may be that the answer is simple that it is all just 766 and nothing else matters except the emails filings or it is in fact 29.007 gives me access not 766. It makes it so the answers didn't get filed in time and they are invalid due to having my personal information in them and so all the defense answers are moot all along. They can't be used as a motion to dismiss the case since the court never allowed them to file late responses or ensured return of filings sent that had my personal information in it as the rule state. So they filed insufficient responses to the summons as if they never filed anything. That is what the rules say, a filing with personal information must be returned from all who got it and it is as if it was never filed. The experts defense counsel kept filing my email and the Judge said in a hearing he would remove them all along with the clerk but he never did nor did she so she lied and then did it again and again. Hence the decisions are illegal or invalid. Judge Smiley nor the DCA ever said it is ok to file my personal emails. I am unable to file on this case now. They remain trapped on the docket forever. Judge Smiley also said he would have a final hearing to return to me all my CT scan exams and so

that hearing never took place. His final decision was “all prior decisions stand” and so my emails and those exams should be returned to me (final case adversely determined?) and also all the summons responses should be returned as well, no indication that ever took place. If I try to file something in court it would be refused as prohibited as a vexatious litigant for any purpose. I just a month ago filed for a guardian and it was refused as vexatious. The guardian law says it is a law to give access to court to get a guardian. It is compulsory like getting a fishing license.

Conclusion:

My recent visit to a “walk-in” medical clinic to get a prescription refill resulted in their medical record saying “I was making threats” which is a lie. I didn't want to be touched by staff, given I have been over exposed to radiation and fake records with the (Dr. Lavine case), I was infected with a disease (Dr. Jenkins case), I sat on a chair at a doctors office that poisoned me (Ascension case) and so the “making threats” record is really no different than any of those it is a “on going conspiracy” as I have stated multiple times. There are all the other 100 parties involved for similar harms and fake records or omission. I can't get the local court to give me a “guardian” so there is literally nothing I can file in this state and its all founded on legal nonsense by the courts illegally. I can file a brief on the merits.

744.1012 Legislative intent.—The Legislature finds that: (3) ...it is the purpose of this act to promote the public welfare by establishing a system that permits incapacitated persons to participate as fully as possible in all decisions affecting them;

These defendants are genuinely bad people doing things because they are protected by the law because I am indigent and now without access to court as

vexatious there is no risk of lawful remedy. I should be provided the “services of the court” but the roll out of my personal “incompetency” has taken time as there is “crime victim” protections for “privacy” involved in the Florida Constitution and if I was given civil counsel as an indigent then it all makes sense, so now with the recent civil counsel in the US District Court of Appeals maybe there will be a remanding to the USDC for trials. There is a financial burden involved that the law has made the law into a form of consumerism that I need to pay for doctors and experts and none of that seems valid under 766 for access to do a presuit myself when the law says I get service of the court under f.s. 29.007 as an indigent and “other classes of litigants” also under f.s. 57.081 so it is legally incomprehensible that I am denied then found to be vexatious which can only occur if my filings are considered “in bad faith.”

> Florida Constitution, Article 1, Section 16. - Victim Rights;

(b) To preserve and protect the right of crime victims to achieve justice, ... every victim is entitled to the following rights, beginning at the time of his or her victimization:

(1) The right to due process and to be treated with fairness and respect for the victim’s dignity.

(2) The right to be free from intimidation, harassment, and abuse.

(3) The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused...

(4) The right to have the safety and welfare of the victim and the victim’s family considered...

(5) The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.

(6) A victim shall have the following specific rights upon request:

b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.

d. The right to provide information regarding the impact of the offender’s conduct on the victim...

- (8) The right to the prompt return of the victim's property when no longer needed as evidence in the case.
- (9) The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.
- (10) The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related postjudgment proceedings.
- (c) The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.
- (e) ...a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed... The terms "crime" and "criminal" include delinquent acts and conduct.

> f.s. 68.093 Florida Vexatious Litigant Law.—

- (c) "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:
1. In the immediately preceding 7-year period, has commenced, prosecuted, or maintained, pro se, five or more actions in any court that have been finally and adversely determined against such person, except that an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained in good faith;
 2. ...;An action is not deemed to be "finally and adversely determined" if an appeal in that action is pending.
- (4) ...Leave of court shall be granted by the court only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.

How is needing a Guardian for "Social Security" purposes and also due to the local conspiracy a "delay or harassment" for purposes of this law? The local court is corrupt. The decisions in these matters are corrupt. How is asking for counsel bad faith? I just had a medical walk in clinic make fake records saying I made threats, it is not safe for me here and the court is refusing me a guardian for SS payee.

12/12/2025

/s/ CURTIS GORHAM : Curtis Gorham, pro se

Docket Number: 25-5687

IN THE UNITED STATES SUPREME COURT

Plaintiff, Appellant)
Curtis M. Gorham)
VS) Writ of Cert from FSC;
Defendants, Appellee) Case No: SC2024-0369
Dr. Michael A. Jenkins, et al)
) Today's Date: 12/12/2025

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

Appellant's Petition For Writ Of Certiorari Rehearing

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

CERTIFICATE OF COMPLIANCE:

Certification Of Party Unrepresented By Counsel;

I certify under Rule 44. Rehearing (2) that this rehearing request petition is presented in good faith and not for delay, limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and restricted to the grounds specified in sub (2) paragraph of Rule 44.

Certificates of Compliance: Attached (signed)

12/12/2025

 /s/ _____ : Curtis Gorham, pro se

Docket Number: 25-5687

IN THE UNITED STATES SUPREME COURT

Plaintiff, Appellant)
Curtis M. Gorham)
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Defendants, Appellee) Case No: SC2024-0369
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Certificates of Compliance: Attached (signed)

12/12/2025

/s/ CURTIS GORHAM: Curtis Gorham, pro se

**IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

CASE NO.: 25-1204-CA

**CURTIS M. GORHAM,
Plaintiff,**

v.

**UNKNOWN,
Defendants.**

ORDER OF DISMISSAL

THIS CAUSE came before the Court upon review of the Complaint filed by the Plaintiff, Curtis M. Gorham, filed on October 21, 2025. The Court, having reviewed the Complaint, the applicable law, and being otherwise fully advised in the premises, finds as follows:

1. The Plaintiff has been previously declared a vexatious litigant by “Order Finding Curtis M. Gorham to be a Vexatious Litigant, Denying All His Pending Motions, and Imposing Additional Sanctions” in Bay County Case No.: 22-1076-CA.

2. Section 68.093(5), Florida Statutes (2025), provides that a vexatious litigant may not file any new action, pleading motion, or other paper in this court without prior approval of the court.


3. Upon review of the Complaint filed herein, the Court declines to approve the filing under section 68.093(5), Florida Statutes, and finds that this case shall not proceed.

Based on the foregoing, it is

ORDERED AND ADJUDGED that

- A. Plaintiff’s request for the filing of his Complaint is hereby **DENIED** pursuant to section 68.093(5), Florida Statutes, and this case is **DISMISSED**.
- B. The Clerk is directed to **CLOSE** the case file and refuse any further filings in this matter submitted by the Plaintiff without leave of court.
- C. The Court reserves jurisdiction to consider the imposition of sanctions or further restrictions as may be warranted under the applicable law.

DONE AND ORDERED this **Tuesday, November 4, 2025**, in Panama City, Bay
County, Florida.

03-2025-CA-001204-CAAM 11/04/2025 01:22:57 PM

James J. Goodman, Judge
03-2025-CA-001204-CAAM 11/04/2025 01:22:57 PM

Copies to:

TOBEDETERMINED PENDING
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CURTIS GORHAM
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LYNN HAVEN, FL 32444

Curtis Gorham

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In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12693

CURTIS GORHAM,

Plaintiff-Appellant,

versus

ELIJAH SMILEY,

Judge,

GARY LAVINE,

Dr.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:24-cv-00280-MW-MJF

ORDER:

Curtis Gorham appeals the dismissal of his pro se civil complaint, which raised many claims against over 100 defendants. He now moves this Court for the appointment of counsel.

This Court has held that there is no constitutional right to counsel in civil proceedings. *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993). Appointment of counsel in a civil case is “a privilege justified only by exceptional circumstances, such as the presence of facts and legal issues which are so novel or complex as to require the assistance of a trained practitioner.” *Id.* (citation modified). This Court has found the following factors relevant in determining whether “exceptional circumstances” exist: (1) the type and complexity of the case; (2) whether the indigent litigant is capable of adequately presenting his case; (3) whether the indigent litigant is in a position to adequately investigate the case; and (4) whether the evidence will consist largely of conflicting testimony so as to require skill in the presentation of evidence and in cross-examination. *See Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990) (adopting *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982)).

Here, the circumstances are sufficiently exceptional as Gorham has conveyed that he is incompetent due to mental illness, he has previously been involuntarily committed, and his filings suggest that he will struggle to adequately present his case. Accordingly, Gorham’s motion for counsel is GRANTED. Counsel shall be appointed by separate order.

/s/ Robin S. Rosenbaum

UNITED STATES CIRCUIT JUDGE

AFFIDAVIT

Supreme Court Rule 29., 5. Proof of service., (c) a notarized affidavit

28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)".

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

To include Writ of Cert filing, Service, Motion to Proceed In Forma Pauperis, etc...

Executed on (date). 12/12/2025 12/12/25

(Signature)". /s/ Curtis M. Gorham CURTIS GORHAM

Notary: 



Curtis Gorham, Pro Se
3513 Rosewood Cir
Lynn Haven, FL 32444
(850) 601-4954
bccgorham@yahoo.com

MICHAEL A. BELT
My Commission # 114 842018
EXPIRES FEB 27, 2029

CERTIFICATION OF SERVICE

I certify that on 12/12/2025 a copy of this filing has been provided to the United States Supreme Court, via regular mail and that the defendants, names and address are included below.

_____/s/ Curtis Gorham CURTIS GORHAM

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> Primary email: roger@djmf-law.com
> Primary email: jkeeler@djmf-law.com

[USPS Letter] Dr. Gary H. Lavine, Kendrea Virgil, RN, Donna Baird.,
Risk Manager
Ascension Bay Medical Sacred Heart Hospital., (Ascension Sacred
Heart)
Bay Medical Center Sacred Heart Health System., (in 2018)
615 N Bonita Ave, Panama City, FL 32401

[USPS Letter] Attorney for Dr. Gary Lavine and Junco Emergency
Physicians., (in 2020), Junco now has has counsel but Dr. Lavine has

not responded and doesn't seem to be represented by the hospitals
counsel.

Dennis, Jackson, Martin and Fontela, P.A.

1591 Summit Lake Drive, Suite 200, Tallahassee, FL 32317

[USPS Letter] Joseph R. Impicciche., CEO. (Bay Medical Center Sacred
Heart Health System., (in 2018))

101 South Hanley Rd., Suite 450, St. Louis, MO 63105

[USPS Letter] Office of the Attorney General., Ashley Moody.

State of Florida, PL-01 The Capitol, Tallahassee, FL 32399-1050

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3513 Rosewood Cir, Lynn Haven, FL, 32444, (850) 601-4954

CERTIFICATE OF COMPLIANCE:

The filing uses New Century Schoolbook font in 12 point size. Double Spaced.
Filed in good faith not to delay or otherwise.

There are 2,828 words for the Writ of Cert Rehearing body from Introduction to
Conclusion. Rule 33 shows 3,000 words for a rehearing petition.

There are 1,902 words without accounting for the law included making it 6 pages
instead of 9 pages in total with law. Adding page number and counts at the bottom
reduces word count of each page.

There are 2 recent court orders attached as exhibits with an appendix coversheet.
There is also another Certificate of Compliance attached for Rule 44 (2).

12/12/2025

/s/ Curtis Gorham : Curtis Gorham, pro se

