

No. 25-6444

In The
Supreme Court of the United States

RASHID MUHAMMAD ABDULLAH,

Petitioner,

v.

CITY OF PLANT CITY, FLORIDA, ET AL.,

Respondents.

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

**RESPONDENT CITY OF PLANT CITY, FLORIDA'S
BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI**

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BRIEF IN OPPOSITION

OPINIONS BELOW

There are no reviewable opinions below. Petitioner seeks review from the Supreme Court of Florida's dismissal of an appeal over which that court determined it did not have jurisdiction. Petitioner is seeking review in the absence of any state or federal court decision upon any question of federal law and despite Petitioner himself having specifically disclaimed any such question.

JURISDICTIONAL STATEMENT

Respondent disputes that this Court has jurisdiction over this case because there is no federal question at issue. The causes of action advanced by Petitioner below were based on and adjudicated under Florida state law. The Supreme Court of Florida was not asked to and did not decide any question of federal law, depriving this Court of jurisdiction under § 28 U.S.C. § 1257 (a).

If the Court determines despite the foregoing that it has discretionary jurisdiction over this case pursuant to 28 U.S.C. § 1257, Respondent denies that there is any compelling reason to grant review under Supreme Court Rule 10. The Supreme Court of Florida has not decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals. No state court has decided an important question of federal law that has not been, but should be, settled by this Court, and no state court has decided an important federal question in a way that conflicts with relevant decisions of this Court. Indeed, no court in the ten year history of this case has decided any federal question whatsoever.

COUNTERSTATEMENT OF THE CASE

Introduction

In 2016, Petitioner Rashid Muhammad Abdullah’s (“Abdullah”) son received traffic citations issued by the Respondent City of Plant City’s (“City”) Police Department for driving without a license and for operating Abdullah’s 2000 Chevrolet Impala whilst it was unregistered and uninsured. The vehicle was impounded and later sold by the towing company that had retrieved it. Abdullah alleged¹ that he and his vehicle were exempt from state registration requirements because both were “implements of husbandry” pursuant to § 316.003 (31), Fla. Stat.² Though Abdullah’s son was never a party to the cases described below, Abdullah alleged that his son was exempt from the requirement of a driver’s license pursuant to § 322.04, Fla. Stat., because he was operating an “implement of husbandry.” Further, Abdullah contended that the legal matter of whether he and his vehicle were “implements of husbandry” had been determined previously by the dismissal of two previous traffic citations.

These comparatively simple facts have now been litigated for nearly ten years, having been filed originally in state circuit court, removed to federal district court, remanded back to state court, appealed three times to Florida’s intermediate

¹ Abdullah has proceeded *pro se* throughout the proceedings at issue. His pleadings were confusing at best and incomprehensible at worst.

² The definition of “Implement of husbandry” at the relevant time was actually set forth in subsection (30), not (31), and has since been renumbered to subsection (33) but remains substantively unchanged. It provides as follows: “(33) IMPLEMENT OF HUSBANDRY.—Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.”

appellate courts, and appealed twice to the Supreme Court of Florida. Still, none of the many courts which have reviewed this case have passed on any question of federal law.

Abdullah contends that this case presents six questions for review and that this Court has jurisdiction over the case under 28 U.S.C. § 1257 (a) because rights secured by the United States Constitution were drawn into question and decided adversely to him. He is incorrect. In fact, the case presents no questions over which this Court has jurisdiction. As is demonstrated herein, no rights secured under the United States Constitution, federal statutes, or federal treaties have been drawn into question or decided adversely to Abdullah. Though references to various sections of the United States Constitution were sprinkled throughout Abdullah's frequently unintelligible pleadings, none of the lower courts reviewing this matter were asked to decide upon any issue of federal law and none did. Accordingly, this honorable Court lacks jurisdiction.

Procedural history

On May 25, 2016, Abdullah filed a three-count Complaint against the City and co-defendant Southern Towing & Recovery, Inc. in Florida's Thirteenth Judicial Circuit Court in and for Hillsborough County, Florida.³ Rashid Muhammad Abdullah v. City of Plant City and Southern Towing & Recovery, Inc., case number 16-CA-4970. The first count sought Defendants' specific performance of "their duty of care to

³ Southern Towing & Recovery, Inc. was never served with process and, though named in the caption of the various cases that followed, never appeared in any of them.

uphold PEACE by acknowledging the Law of Estoppel by Judgment and ACQUITTALS to prevent further damages...”, the second sought the return via replevin of Abdullah’s 2000 Chevy Impala, and the third sought damages for conversion. All three claims were based on state law.

The case sat dormant for several years for reasons not germane to the instant Petition. On September 21, 2020, Abdullah filed a Verified Amended Complaint. (App. “G”).⁴ Count I for specific performance was amended to add a claim for breach of fiduciary duty, count II continued to seek replevin, and count III was for conversion and abuse of process, all under state law.

On November 29, 2021, Abdullah filed a Verified Motion for Declaratory Judgment wherein he referenced several federal constitutional rights. On that basis, the City removed the case to the United States District Court for the Middle District of Florida, Tampa Division. Rashid Muhammad Abdullah v. City of Plant City, Florida and Southern Towing & Recovery, Inc., case number 8:21-cv-02895.

Once in the federal district court, Abdullah moved to remand the case back to state court, arguing that all his claims were brought under state law. In his motion, Abdullah cited extensive authority standing for the proposition that the mere presence of a federal issue in a state law cause of action does not automatically confer federal question jurisdiction. He stated unequivocally that his claims were brought under state law and did not raise a federal issue. (Supp. App. “A”)⁵. Agreeing that

⁴ Refers to the Appendix filed with the instant Petition.

⁵ Refers to the Supplemental Appendix filed with this Response.

Abdullah alleged only state law claims, the district court granted the motion and remanded the case back to Florida's Thirteenth Judicial Circuit Court.

On April 25, 2023, the state circuit court granted City's Motion for Summary Judgment on counts I and III of Abdullah's Verified Amended Complaint. (App. "C"). The court explained that the crux of Petitioner's claims was that, in May 2016, Abdullah's son received a traffic citation for driving without a license and operating an unregistered, uninsured vehicle without a valid license plate. The vehicle was impounded by co-defendant, Southern Towing & Recovery. Abdullah claimed that he and his vehicle were exempt from registration from state insurance, licensing, and registration requirements as "implements of husbandry" pursuant to state statute. The circuit court found in the City's favor because Abdullah had misinterpreted the statutory definition of "implement of husbandry" found in § 316.003, Fla. Stat. (2013), writing that "[Abdullah] failed to register a common passenger vehicle that in no way" satisfied the definition of an "implement of husbandry." This was so because "[Abdullah] admits that he and his vehicle were not engaged in agricultural, horticultural, or livestock-raising operations at the time his son was given a citation." Count II for replevin was permitted to proceed. The court did not address any federal question in its order and later denied Abdullah's motions for rehearing.

Abdullah appealed the circuit court's April 25, 2023, order to Florida's Second District Court of Appeal. Al-Rashid Muhammad Abdullah v. City of Plant City and Southern Towing & Recovery, Inc., case number 2D23-1233. The Second DCA dismissed the appeal because it was taken improperly from nonfinal, nonappealable

orders, and later denied Abdullah's motion for rehearing. Abdullah sought certiorari review of the Second DCA's dismissal, but the Supreme Court of Florida dismissed his petition via order dated January 24, 2024. Al-Rashid Muhammad Abdullah v. City of Plant City, et al., case number SC2023-1578.

On January 31, 2024, Abdullah moved to disqualify the circuit court judge, contending that the judge was biased against him. The motion was denied on February 5, 2024, and, on March 7, 2024, Petitioner sought review of the order via a "Verified Petition for Writ of Prohibition – Mandamus" with Florida's Second DCA, which was denied on March 8, 2024. Rashid Muhammad Abdullah v. City of Plant City, case number 2D2024-0559.

On May 31, 2024, the circuit court entered its Order on Motions Heard on May 14, 2024, including the City's motion for summary judgment on Count II. (App. "D"). The court found in the City's favor on the outstanding replevin claim because the City never took actual or constructive possession of Abdullah's vehicle. Again, the circuit court did not render a decision on any question of federal law. Also on May 31, 2024, the circuit court entered final judgment for the City. (App. "E"). On June 24, 2024, the circuit court denied Petitioner's motion for rehearing and directed the clerk to close the court file. (App. "I").

On July 23, 2024, Petitioner appealed to Florida's Second District Court of Appeal the circuit court's orders entering judgment for the City, disposing of Petitioner's requests for judicial notice, and denying his motion to disqualify the trial judge. Al-Rashid Muhammad Abdullah v. City of Plant City and Southern Towing &

Recovery, Inc., case number 2D2024-1730. Following briefing, the Second DCA on June 27, 2025, issued a *per curiam* affirmance without opinion of the circuit court's orders and later denied Abdullah's motions for rehearing and to recall the court's mandate. (App. "A" and "B").

On September 5, 2025, Abdullah filed a Notice of Appeal of a Final Order to Invoke Discretionary Jurisdiction seeking review in the Supreme Court of Florida. Al-Rashid Muhammad Abdullah v. City of Plant City et al., case number SC2025-1391. Four days later, the Supreme Court of Florida dismissed Abdullah's notice of appeal, writing that it "lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court." (App. "F"). It is this dismissal from which the instant Petition flows.

Throughout the foregoing, no court was presented with or decided a question of federal law. Instead, Abdullah contended that a state statute exempted him from state law requirements to register and insure his motor vehicle. In resolving those contentions, a state circuit court decided issues of state law (to wit: specific performance/breach of fiduciary duty, replevin, and conversion/abuse of process) and did so after Abdullah explicitly and unequivocally disclaimed the presence of federal questions in moving the Middle District of Florida for remand. The circuit court's orders were appealed to a state appellate court, which issued a *per curiam* affirmance without elaboration or written opinion. Undeterred, Abdullah appealed the intermediate appellate court's affirmance to the state's highest court, which

summarily dismissed the appeal for lack of jurisdiction. Now, Abdullah seeks review in this Court, but there is no basis for jurisdiction, and the Petition must be dismissed.

REASONS FOR DENYING THE PETITION

I. THIS COURT LACKS JURISDICTION.

Under 28 U.S.C. § 1257 (a), final judgments rendered by the highest court of a State may be reviewed:

... where the validity of a treaty or statute of the United States is drawn into question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

This case meets none of the foregoing standards. The validity of a federal treaty or statute has not been drawn in question. The validity of a State statute alleged to be repugnant to the Constitution, treaties, or laws of the United States has not been drawn in question. And, there is no title, right, privilege, or immunity specially set up or claimed under the Constitution, treaties, or statutes of the United States. Neither the Supreme Court of Florida nor any other court in the ten year saga of this case has ruled upon any question of federal law whatsoever. Indeed, Abdullah himself moved for remand from the federal district court and was granted such relief on the basis of the absence of federal claims. There is simply no basis for jurisdiction.

Assuming *arguendo* that a federal question was somehow raised below, the Court would still lack jurisdiction because the Supreme Court of Florida did not rule on the merits of the case. More than one-hundred years ago, the Court reviewed a case in a posture similar to this one. In *John v. Paullin*, 231 U.S. 583 (1913), the Court dismissed a writ of error on motion of the defendants in error because the State of Oklahoma's supreme court had dismissed the case without a substantive ruling. In granting the motion to dismiss, the Court wrote that “[a]s the supreme court of the state did not pass upon the merits of the case or upon the correctness of any of the rulings below, but, on the contrary, held that it was powerless to do so because its appellate jurisdiction was not invoked in accordance with the laws of the state, we do not perceive any theory upon which its judgment of dismissal may be reviewed by us consistently with the familiar limitations upon our authority.” *Id.* at 584; *see also Western Union Telegraph Co. v. Hughes*, 203 U.S. 505, 506-07 (1906); *Wolfe v. State of N.C.*, 364 U.S. 177, 194-94 (1960).

The same situation has occurred here: the Supreme Court of Florida's jurisdiction was not invoked in accordance with Florida law. Florida's Second District Court of Appeal issued an unelaborated *per curiam* affirmance of the trial court's orders. The Florida Supreme Court dismissed Abdullah's appeal, citing eight of its precedents for the proposition that it lacked jurisdiction to review an unelaborated decision from an intermediate appellate court. Accordingly, there is no basis for this Court's review.

II. REVIEW IS NOT COMPELLED UNDER RULE 10.

Should the Court find that it has jurisdiction in this matter, review should be denied under Rule 10, Rules of the Supreme Court of the United States, because there are no compelling reasons to grant certiorari.

While neither controlling nor fully measuring the Court's discretion, three indicia of character are used to indicate the reasons the Court considers in exercising its discretion. The first is not applicable here because it is premised on the entry of a decision by a United States court of appeals. There is no such decision in this case. The second indicia is whether a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals. That has not happened here. As noted *supra*, the Supreme Court of Florida did not decide any federal question, so there is no basis for conflict with another state court of last resort or a United States court of appeals. The final indicia is whether a state court of United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important question of federal law in a way that conflicts with relevant decisions of this Court. Neither has occurred here. No court below has decided any question of federal law, much less any important question of federal law. There is no compelling reason for the Court to exercise its judicial discretion to grant the instant Petition.

CONCLUSION

This case concerns Abdullah's contention that he is exempt from Florida's motor vehicle registration and insurance laws because such exemption is provided for under Florida statute. It did not raise below any federal question decided upon by the many courts that have reviewed it. Accordingly, this honorable Court lacks jurisdiction over the case pursuant to 28 U.S.C. 1257 (a). Further, the Petitioner raises no compelling reasons review should be granted. Accordingly, the City respectfully requests that this Court deny the Petition for Writ of Certiorari.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ABDULLAH, RASHID MUHAMMAD

Plaintiff;

CASE NO: 8:21-cv-02895-CEH-SPF

v.

CITY OF PLANT CITY and SOUTHERN TOWING
& RECOVERY, INC.,
Defendants.

/

VERIFIED MOTION TO REMAND

An Affirmed Communication of "PEACE and HONESTY":

For Service of Process to: ALL PUBLIC SERVANTS/OFFICERS with interest to this matter
As Under Constitutional Oath [BOND]

ACCEPTED: As Prima Facie Evidence for specific performance.

In the Name of the Almighty; Plaintiff, **Al-Rashid Muhammad Abdullah**, being duly affirmed, declares and certifies that the following information is true. Plaintiff HEREBY presents this *Verified Motion to Remand* and therefor states:

1. Defendant contends that the “claims” on Plaintiff’s “*Verified Motion for Declaratory Judgment with Supplemental Injunctive Relief and Request for Speedy or Emergency Hearing*” is removable based on their repeated reliance of 28 USC 1441(a) “but § 1441(a) refers to “civil action[s],” not “claims.”” See **Home Depot USA, Inc. v. Jackson, 139 S. Ct. 1743, 1744 (2019);**
2. The term “civil action” in 28 USC 1441(a) “denotes the entirety of the proceedings in question,” “not simply claims”; See **Vachon v. TRAVELERS HOME AND MARINE INSURANCE COMPANY, No. 20-12765 (11th Cir. December 14, 2021);**
3. Plaintiff’s “claims” on the “*Verified Motion for Declaratory Judgment with Supplemental Injunctive Relief and Request for Speedy or Emergency Hearing*” did not constitute the commencement of a new “civil action” removable under **28 USC 1441(a)**;
4. Defendant insufficiently invokes federal jurisdiction solely under 28 USC 1441(a) with their Notice of Removal by misconstruing “claims” as a “civil action”;
5. Plaintiff’s “claims” on the “*Verified Motion for Declaratory Judgment with Supplemental Injunctive Relief and Request for Speedy or Emergency Hearing*” does not arise under the Constitution, laws, or treaties of the United States within the meaning of **28 USC 1331**;

6. Plaintiff's "claims" were "brought under state law" and none "necessarily raised" a federal issue; See Franchise Tax Bd. of Cal. v. Construction Laborers Vacation Trust for Southern Cal., 463 U.S. 1 (1983);

"[T]he mere presence of a federal issue in a state cause of action does not automatically confer federal-question jurisdiction." Merrell Dow Pharmas., Inc. v. Thompson, 478 U.S. 804, 813, 106 S.Ct. 3229, 3234, 92 L.Ed.2d 650 (1986). In other words, the state-law claim must "really and substantially involve[] a dispute or controversy respecting the validity, construction or effect of [federal] law." Mobil Oil, 671 F.2d at 422. The fact that a court must apply federal law to a plaintiff's claims or construe federal law to determine whether the plaintiff is entitled to relief will not confer federal subject matter jurisdiction—the implicated federal issue must be substantial. Franchise Tax Bd., 463 U.S. at 13, 103 S.Ct. at 2848. For example, it is now well established that federal jurisdiction is not created by the mere fact that proof of violation of a federal statute is an element of a plaintiff's state-law cause of action."

Dunlap v. G&L Holding Group, Inc., 381 F. 3d 1285, 1290-1292 (11th Cir. 2004)

7. Plaintiff's state-law claims raises a novel or complex issue of state laws;
8. Plaintiff's claims on the "Verified Motion for Declaratory Judgment with Supplemental Injunctive Relief and Request for Speedy or Emergency Hearing" seeks relief from city regulations, on the grounds that such regulation is not applicable due to the plain language of the specified city regulation;
9. Plaintiff's claims on the "Verified Motion for Declaratory Judgment with Supplemental Injunctive Relief and Request for Speedy or Emergency Hearing" seeks relief from city regulations, on the grounds that such regulation is not applicable due to state law, including the finality of judgments in this matter;
10. Defendant's allegations of jurisdiction on their removal notice is insufficient;
11. Defendant failed to actually serve Plaintiff "written notice" of a copy of their Notice of Removal;
12. Defendant's reliance on the court's CM/ECF system to send a notice of electronic filing to the parties of record is not sufficient to meet the "Notice to Adverse Parties and State Court" requirements of 28 USC 1446(d);
13. Defendant failed to allege sufficient facts supporting the existence of federal-question jurisdiction;
14. Defendant failed to specify what federal law completely preempts the state-law claims;
15. Defendant's reliance on the mere presence of Constitutional violations claims as federal questions or issues is insufficient to substantially confer removal jurisdiction;
16. Defendant failed to allege any facts that raise disputed questions of federal law sufficient to confer removal jurisdiction;

17. The proof of violations of the federal Constitution, although a necessary element of the Plaintiff's state-law claims, is an insufficiently substantial federal question in this matter;
18. Defendant possibly waived such removal right by filing a 'Motion to Dismiss' on 01/27/2021 coupled with a hearing on 02/02/2021 where such motion was denied or withdrawn.

"Federal question jurisdiction lies, the Court wrote, only if "it appears from the face of the complaint that determination of the suit depends upon a question of federal law." Id., at 663, 81 S.Ct. 1303. That inquiry focuses on "the particular claims a suitor makes" in his complaint — meaning, whether the plaintiff seeks relief under state or federal law. Id., at 662, 81 S.Ct. 1303. In addition, the Court suggested, a federal court could adjudicate a suit stating only a state-law claim if it included as "an element, and an essential one," the violation of a federal right. Id., at 663, 81 S.Ct. 1303 (quoting Gully v. First Nat. Bank in Meridian, 299 U.S. 109, 112, 57 S.Ct. 96, 81 L.Ed. 70 (1936))." MERRILL LYNCH, PIERCE, FENNER v. Manning, 136 S. Ct. 1562, 1570-1572 (2016)

"'[A] federal court has jurisdiction of a state-law claim if it 'necessarily raise[s] a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance' of federal and state power." Merrill Lynch, Pierce, Fenner & Smith Inc. v. Manning, 578 U.S. ___, 136 S. Ct. 1562, 1570 (2016) (quotation omitted). "[T]he mere presence of a federal issue in a state cause of action does not automatically confer federal-question jurisdiction." Dunlap v. G&L Holding Grp., Inc. 381 F.3d 1285, 1290 (11th Cir. 2004) (alteration in original) (quoting Merrell Dow Pharmas., Inc. v. Thompson, 478 U.S. 804, 813, 106 S. Ct. 3229, 3234 (1986))." Welch v. ATMORE COMMUNITY HOSPITAL, No. 17-11244 (11th Cir. 2017)

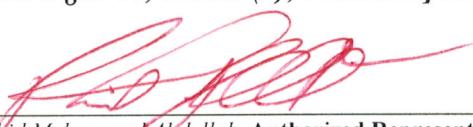
"Federal law is enforceable in state courts not because Congress has determined that federal courts would otherwise be burdened or that state courts might provide a more convenient forum — although both might well be true — but because the Constitution and laws passed pursuant to it are as much laws in the States as laws passed by the state legislature. The Supremacy Clause makes those laws "the supreme Law of the Land," and charges state courts with a coordinate responsibility to enforce that law according to their regular modes of procedure. "The laws of the United States are laws in the several States, and just as much binding on the citizens and courts thereof as the State laws are. . . . The two together form one system of jurisprudence, which constitutes the law of the land for the State; and the courts of the two jurisdictions are not foreign to each other, nor to be treated by each other as such, but as courts of the same country, having jurisdiction partly different and partly concurrent.'" Howlett v. Rose, 496 U.S. 356, 367 (1990)

WHEREFORE Plaintiff moves this Honorable Court to enter an Order granting Plaintiff's Motion to Remand, together with such other and further relief as the Court may deem reasonable and just under the circumstances. ***So Help Me God!!! Amen.***

I declare UNDER PENALTY OF PERJURY under the laws of the United States of America, that I have read the foregoing document and that the facts stated in it are true, to the best of my knowledge, belief and honorable intent. *[28 USC §1746; 92.525(2), Fla. Stat.] So Help Me God!!! Amen.*

Date: 11 Jan 2022

BismiAllah By:


Al-Rashid Muhammad Abdullah, Authorized Representative;

Ex Rel. RASHID MUHAMMAD ABDULLAH

ALL RIGHTS RESERVED – WITHOUT PREJUDICE – NON ASSUMPSIT;
c/o 808 West Madison Street, near Plant City, Florida Republic [33563]

IN THE NAME OF THE ALMIGHTY!!!

CERTIFICATE OF SERVICE

We HEREBY CERTIFY that a true and correct copy of the following listed document will be furnished by electronic filing webform to: U.S. MIDDLE DISTRICT CLERK OF COURT – Elizabeth Warren, 801 North Florida Avenue, Tampa, Florida 33602 and a copy furnished electronically by e-mail delivery to: CITY OF PLANT CITY – Attorney Thomas P. Scarritt, Jr., tps@scarrittlaw.com or courtpleadings@scarrittlaw.com, 1405 West Swann Avenue, Tampa, Florida 33606.

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