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ORIGINAL

IN THE UNITED STATES SUPREME COURT

Supreme Court, U.S.  
FILED

DEC 11 2025

OFFICE OF THE CLERK

SAMUEL LEE SMITH, JR.,  
Petitioner,

v.

Carlos Rosado,  
Police Officer,  
Elissa Weintraup  
Police Officer  
The Village of Pinecrest  
A Political Subdivision,  
Respondent(s),

\_\_\_\_\_/

PETITION FOR WRIT OF CERTIORARI

Appeal from the United States Court of Appeal 11<sup>th</sup> Circuit  
August 14th, 2025, Order Dismissing Appeal Case No. 25-10532

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### **QUESTION PRESENTED**

Did the lower Court wrongly dismiss the Petitioner's appeal because it effectively prevented the Petitioner from having access to the Court as a result of his indigency. Also did the Court violate the Petitioner's constitutional right by denying the undersign due process and procedural due process which is guaranteed in the 14th Amendment that ensures fair legal proceedings.

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Did the US Court of Appeal for the 11th Circuit error when it dismissed Petitioner's appeal challenging US District Court, for the Southern District of Florida's February 4th, 2025, Order Case No: 24-24339 against Respondents, carlos rosado, elissa weintraup and the village of pinecrest? The Appellate court violated the Petitioner's fundamental right to due process, notice and opportunity to be heard and access to courts as guaranteed by the 1st, 5th, 6th and 14th Amendment preventing him from litigating the case.

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# **PETITION FOR WRIT OF CERTIORARI**

## **1. DECISION BELOW**

Petitioner petitions to this Honorable Court to review the United States District Court of Appeal, Eleventh Circuit August 14th, 2025, Final Judgment Dismissing Appeal of the United States District Court, Southern District of Florida Case No: 1:24-cv-24339-RAR, Order dismissing the complaint against Respondent(s), carlos rosado, elissa weintraup and The Village of Pinecrest.

## **2. JURISDICTION**

The Supreme Court's appellate jurisdiction includes the authority to review decisions concerning Federal Law, Federal Rules of Procedure and Constitutional Questions. This petition seeks review of *SAMUEL LEE SMITH, JR., v. carlos rosado, et al*, Case No. 25-10532 (USCA August 14<sup>th</sup>, 2025). The Supreme Court's appellate jurisdiction includes the authority to review decisions of appeals court.

## **3. Federal Rule/Question Involved**

The Federal Rule or Federal Question involved concerns the Petitioner's 1st, 4th, 5th, 6th and 14<sup>th</sup> Amendment of the United States Constitution and right to due process, procedural due process and hid constitutional right access to the courts.

### **Statement of the Case**

On April 28th, 2024, Petitioner was racially profiled while lawfully driving his electric scooter on the sidewalk, in the Village of Pinecrest, in Miami- Dade County, Florida. While driving his scooter, the undersigned notice a Pinecrest police illegally/improperly parked on the sidewalk without any lights flashing, and without any warnings, signs or other indication that the flow of traffic and or people could not pass the police vehicle. In fact, he was interstate stalking (18 U.S.C § 2261A). The Petitioner drove his scooter around the police so that he could continue to progress to his final destination. At no time had the undersigned violated any law, statute or ordinance. Upon passing the police vehicle, carlos rosado badge 1760, who was driving the police vehicle promptly began to follow the undersigned for a significant period of time, as the undersign located an address on

the street corner to the police (911) due to the officer harassing the Petitioner and interstate stalking (18 U.S.C § 2261A). The undersign requested a supervisor due to the aggressive intimidating nature of the cop and his Abuse of Power (18 U.S.C §§ 1961-1968). The Petitioner also activated his camera recording on his cell phone which the First Amendment protects the right to record police officers and other government officials performing their duties in public spaces (Florida Statute § 768.28). At that point, carlos initiated a stop without any justifiable cause for the stop. Mr. Smith promptly asked for a supervisor to come to the scene at which carlos rosado immediately unlawfully detained and assaulted the Petitioner while exhibiting unnecessary/excessive use of force aggressively placing the undersign in handcuffs with his hands behind his back. The Petitioner did not resist the arrest at all, rosado was already on edge and became even more abusive injuring shoulders from pulling arms back (muscle strain) and placed the handcuffs significantly tight on the undersigns wrist that caused unnecessary marks/weps around the wrist and severe pain. At no point did the undersigned attempt to flee that would have



warranted the unjustifiable discrimination by Rosado. There is no question that the Petitioner was a victim of police brutality, a 4th amendment violation. This stop serves for no other purpose other than a hate crime (Florida statute § 775.085). At some point during the unlawful detainment, elissa weintraup badge 1516 arrived and carlos rosado promptly headed over to her and of course tainted the facts of the stop. At this point the undersigned had become very lightheaded and started to have a hard time breathing due to the tightness of the handcuffs cutting off blood circulation was cut off and feeling as if he was about to pass out. Despite the fire rescue request the cuffs still stayed on after the citation was issued and was free to leave. Pinecrest Police officers refused aid (Florida statute § 943.1735(3)(d)). and the Petitioner states he suffered from emotional distress and anxiety caused by rosado and officers. The Petitioner requested fire rescue and was ignored again. The stop lasted over 30 minutes and becoming concerned for his health Petitioner was left with an unidentified officer (officer C). During this time the undersigned also requested a case card from elissa weintraup, she denied him also ignored the Petitioners request (Florida statute § 943.13) and the result of

that led to official Neglect of Duty (Florida Statute § 104.11). 34 U.S.C § 12601 prohibits government officials from engaging in misconduct that violates constitutional rights. All public employees failed to provide adequate public service (Florida statute § 943.1735(3)(d)). She left the scene without writing a case card. The Pinecrest officers were non-compliant of policy and procedures of Pinecrest Police Department. The officials also failed to ensure safety and public trust, that resulted in unethical official misconduct by Pinecrest Police unit (Florida Statute § 104.11, Florida Statute § 112.51). 34 U.S.C. § 12601 prohibits unlawful stops, discriminatory negligence by law enforcement, Law enforcement misconduct is covered in statute 42 U.S.C § 14141. Traffic stops have specific steps for approaching a vehicle and communicate with a driver and carlos did not comply. The unlawful detainment of a stop was a nightmare, that violates the Fourth Amendment. Petitioner pled not guilty to the citations at the hearing, the citations was dismissed by the Court officer at the hearing. The officer falsified public records (Florida Statute § 839.13). The undersigned provided the Court with evidence and the case was dismissed. The issuance of the citation was for no

other purpose to try and justify and unjustifiable stop and harassment by the Pinecrest Police Department.

So, this Court is aware that the undersigned requested fire rescue before the officers left the scene. After the officers left the scene, and still feeling lightheaded and with weps around the wrist and numbness in hands the undersigned called 911 and fire rescue arrived. Strangely, after having left the scene, rosado and weintraup returned to the scene. Upon fire rescue arriving before they even exited she went up to them who tainted the event "of course". The undersigned did not know what was going on due to the officers returning and immediately speaking with a Miami-Dade Fire Rescue employee from station 23.

On April 30th, 2024 filed a complaint with Pinecrest Police Department at the Pinecrest Police Department Headquarters Event #2024-024388 with edison cruz badge 1435, who also has harassed the Petitioner previously (Florida statute § 943.1735(3)(d)), (Florida statute § 112.532). On June 17th, 2024 jonathan carrasco and jason cohen badge 0073 exonerated the complaint against the officers 41 USC § 4712(g)(1) and 18 U.S.C §§ 1961-1968). Pinecrest Officials is full of government corruption

addressed in 18 U.S.C § 201, 18 U.S.C §§ 201-220, 18 U.S.C § 203 prohibits officers from receiving compensation for service. Article II Section 4 allows for impeachment of officers for treason, bribery other high crimes and misdemeanors. Threatening to accuse another of a crime, regardless of whether the underlying accusation is true or false. The core of the crime is the malicious (Florida Statute § 836.05).

To note once the Petitioner filed the complaint, afterwards led to constantly racial profiling by the Pinecrest Police Department. On May 14th, 2024, the undersign was a business invitee sitting outside of the establishment lawfully and on the phone. Notably reynaldo povedo, julian acosta, nathaniel waddell and the village of pinecrest. All employed officers by the Pinecrest Police Department egregiously acting under the direction and control of the Pinecrest Police Department further stalking, racial profilig and ABUSE OF POWER (18 U.S.C §§ 1961-1968). The undersigned filed a lawsuit Southern District Court Case No: 24-cv-24337-DPG.

Ironically 10 days later the Petitioner was arrested by officers of Pinecrest Police Department a. garcia badge 1794, d.jones badge 1792, o. vega badge 1725, a.ulloa badge 1575 and the officer that

did the intake for the complaint edison cruz badge 1435. Due to no accountability by j.cohen badge 0073 who has obviously failed to enforce rules. It is extremely alarming to be a victim of retaliation by by law enforcement (U.S.C § 1512/1513) and targeting a person of color. This is demonstrated to be an act of extortion under the color 18 U.S. Code § 873. It also demonstrates a consistent pattern of misconduct by the government employees (34 U.S.C § 12601) when citizens exercising constitutional rights.

The undersign brings a disturbing awareness to the Supreme Court of the United States due to the unjustifiable torturing acts the Petitioner encountered by the Pinecrest Police Department. Cruel and unusual punishment is outlawed by the 8th Amendment of the United States Constitution.

*The Supreme Court has established that the use of force by law enforcement must be "objectively reasonable" under the circumstances according to the Federal Law Enforcement Training Center (FLETC).*

“...sovereign immunity does not shield acts that are “operational” in nature but only those that are “discretionary.”” City of Pinellas Park v. Brown, 604 So. 2d 1222, 1226 (Fla.

1992). “...an act is operational if it is one not necessary to or inherent in policy or planning, that

merely reflects a secondary decision as to how those policies or plans will be implemented. Id. at

737 (emphasis added). Governmental acts are “discretionary” and immune, on the other hand, if

they involve an exercise of executive or legislative power such that, for the court to intervene by

way of tort law, it inappropriately would entangle itself in fundamental questions of policy and planning. Id.” City of Pinellas Park v. Brown, 604 So. 2d 1222, 1226 (Fla. 1992). “It is evident, however, that the terms “discretionary” and “operational” are susceptible of broad definitions. Indeed, every act involves a degree of discretion, and every exercise of discretion involves a physical operation or act.” Kaisner v. Kolb, 543 So. 2d 732, 736 (Fla. 1989). This is why the case at bar cannot be resolved on a Motion to Dismiss. “An “operational” function, on the other hand, is one not necessary to or inherent in policy or planning, that merely reflects a secondary decision as to how those policies or plans will be implemented.” Kaisner v. Kolb, 543 So. 2d 732, 737 (Fla. 1989). “...in Kaisner, which held that acts by law enforcement officers in respect to persons whom they have detained, other than whether to arrest or detain those persons, were operational acts not protected by sovereign immunity. Henderson v. Bowden, 737 So. 2d 532, 537 (Fla. 1999).

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose and Policy. Safe communities rely on the backbone and heroism of a tough and well-equipped police force. My Administration is steadfastly committed to empowering State and local law enforcement to firmly police dangerous criminal behavior and protect innocent citizens.

When local leaders demonize law enforcement and impose legal and political handcuffs that make aggressively enforcing the law impossible, crime thrives and innocent citizens and small business owners suffer. My Administration will therefore: establish best practices at the State and local level for cities to unleash high-impact

local police forces; protect and defend law enforcement officers wrongly accused and abused by State or local officials; and surge resources to officers in need. My Administration will work to ensure that law enforcement officers across America focus on ending crime, not pursuing harmful, illegal race- and sex-based "equity" policies.

The result will be a law-abiding society in which tenacious law enforcement officers protect the innocent, violations of law are not tolerated, and American communities are safely enjoyed by all their citizens again.

Sec. 2. Legal Defense of Law Enforcement Officers. The Attorney General shall take all appropriate action to create a mechanism to provide legal resources and indemnification to law enforcement officers who unjustly incur expenses and liabilities for actions taken during the performance of their official duties to enforce the law. This mechanism shall include the use of private-sector pro bono assistance for such law enforcement officers.

Sec. 3. Empowering State and Local Law Enforcement. (a) The Attorney General and other appropriate heads of executive departments and agencies (agencies) shall take all appropriate action to maximize the use of Federal resources to:

- (i) provide new best practices to State and local law enforcement

to aggressively police communities against all crimes;

(ii) expand access and improve the quality of training available to State and local law enforcement;

(iii) increase pay and benefits for law enforcement officers;

(iv) strengthen and expand legal protections for law enforcement officers;

(v) seek enhanced sentences for crimes against law enforcement officers;

(vi) promote investment in the security and capacity of prisons;

and

(vii) increase the investment in and collection, distribution, and uniformity of crime data across jurisdictions.

(b) Within 60 days of the date of this order, the Attorney General shall review all ongoing Federal consent decrees, out-of-court agreements, and post-judgment orders to which a State or local law enforcement agency is a party and modify, rescind, or move to conclude such measures that unduly impede the performance of law enforcement functions.

Sec. 4. Using National Security Assets for Law and Order. (a) Within 90 days of the date of this order, the Attorney General and the



Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of agencies as appropriate, shall increase the provision of excess military and national security assets in local jurisdictions to assist State and local law enforcement.

(b) Within 90 days of the date of this order, the Secretary of Defense, in coordination with the Attorney General, shall determine how military and national security assets, training, non-lethal capabilities, and personnel can most effectively be utilized to prevent crime.

Sec. 5. Holding State and Local Officials Accountable. The Attorney General shall pursue all necessary legal remedies and enforcement measures to enforce the rights of Americans impacted by crime and shall prioritize prosecution of any applicable violations of Federal criminal law with respect to State and local jurisdictions whose officials:

(a) willfully and unlawfully direct the obstruction of criminal law, including by directly and unlawfully prohibiting law enforcement officers from carrying out duties necessary for public safety and law enforcement; or

(b) unlawfully engage in discrimination or civil-rights violations under the guise of "diversity, equity, and inclusion" initiatives that restrict law enforcement activity or endanger citizens.

Sec. 6. Use of Homeland Security Task Forces. The Attorney General and the Secretary of Homeland Security shall utilize the Homeland Security Task Forces (HSTFs) formed in accordance with Executive Order 14159 of January 20, 2025 (Protecting the American People Against Invasion) to coordinate and advance the objectives of this order.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

i. the authority granted by law to an executive department or agency, or the head thereof; or

ii. the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Department of Justice shall provide funding for this order's publication in the Federal Register.

DONALD J. TRUMP

THE WHITE HOUSE,  
April 28, 2025.

Notably, Petitioner was not stopped for any valid or legitimate purpose, and there was no suspicion or cause to stop Petitioner, Florida Statute § 784.048 addresses harassment, defining it as engaging in a course of conduct directed at a specific person causing substantial emotional distress and serving no legitimate purpose. Florida Statute § 837.06 pertains to knowingly making a false statement in writing with the intent to mislead a public servant in the performance of their official duty. 18 U.S.C. § 287 states all officers can be prosecuted under this law.

Executive Order 13929—Safe Policing for Safe Communities June 16, 2020 by the President, the Constitution and the laws of the United States of America, it is hereby ordered as follows:

*Section 1. Purpose. As Americans, we believe that all persons are created equal and endowed with the inalienable rights to life and liberty. A fundamental purpose of government is to secure these inalienable rights. Federal, State, local, tribal, and territorial law enforcement officers place their lives at risk every day to ensure that these rights are preserved.*

*Law enforcement officers provide the essential protection that all Americans require to raise their families and lead productive lives. The relationship between our fellow citizens and law enforcement officers is an important element in their ability to provide that protection. By working directly with their communities, law enforcement officers can help foster a safe environment where we all can prosper.*

*Unfortunately, there have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation's founding ideals and will protect the rights of*

*all persons. Particularly in African-American communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.*

*The Constitution declares in its preamble that one of its primary purposes was to establish Justice. Generations of Americans have marched, fought, bled, and died to safeguard the promise of our founding document and protect our shared inalienable rights. Federal, State, local, tribal, and territorial leaders must act in furtherance of that legacy.*

*Sec. 2. Certification and Credentialing. (a) State and local law enforcement agencies must constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities. Independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices, and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.*

*(b) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.*

*(c) The Attorney General shall certify independent credentialing bodies that meet standards to be set by the Attorney General. Reputable, independent credentialing bodies, eligible for certification by the Attorney General, should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. The Attorney General's standards for certification shall require independent credentialing bodies to, at a minimum, confirm that:*

*(i) the State or local law enforcement agency's use-of-force policies adhere to all applicable Federal, State, and local laws; and*

*(ii) the State or local law enforcement agency's use-of-force policies prohibit the use of chokeholds—a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation—except in those situations where the use of deadly force is allowed by law.*

*(d) The Attorney General shall engage with existing and prospective independent credentialing bodies to encourage them to offer a cost-effective, targeted credentialing process regarding appropriate use-of-force policies that law enforcement agencies of all sizes in urban and rural jurisdictions may access.*

*Sec. 3. Information Sharing. (a) The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.*

*(b) The database described in subsection (a) of this section shall include a*

*mechanism to track, as permissible, terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database described in subsection (a) of this section shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.*

*(c) The Attorney General shall regularly and periodically make available to the public aggregated and anonymized data from the database described in subsection (a) of this section, as consistent with applicable law.*

*(d) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the information described in subsection (b) of this section.*

*Sec. 4. Mental Health, Homelessness, and Addiction. (a) Since the mid-twentieth century, America has witnessed a reduction in targeted mental health treatment. Ineffective policies have left more individuals with mental health needs on our Nation's streets, which has expanded the responsibilities of law enforcement officers. As a society, we must take steps to safely and humanely care for those who suffer from mental illness and substance abuse in a manner that addresses such individuals' needs and the needs of their communities. It is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health, homelessness, and addiction, recognizing that, because law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties, all officers should be properly trained for such encounters.*

*(b) The Attorney General shall, in consultation with the Secretary of Health and Human Services as appropriate, identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together. The Attorney General and the Secretary of Health and Human Services shall prioritize resources, as appropriate and consistent with applicable law, to support such opportunities.*

*3 (c) The Secretary of Health and Human Services shall survey community-support models addressing mental health, homelessness, and addiction. Within 90 days of the date of this order, the Secretary of Health and Human Services shall summarize the results of this survey in a report to the President, through the Assistant to the President for Domestic Policy and the Director of the Office of Management*

and Budget, which shall include specific recommendations regarding how appropriated funds can be reallocated to support widespread adoption of successful models and recommendations for additional funding, if needed.

(d) The Secretary of Health and Human Services shall, in coordination with the Attorney General and the Director of the Office of Management and Budget, prioritize resources, as appropriate and consistent with applicable law, to implement community-support models as recommended in the report described in subsection (c) of this section.

Sec. 5. *Legislation and Grant Programs.* (a) The Attorney General, in consultation with the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, shall develop and propose new legislation to the Congress that could be enacted to enhance the tools and resources available to improve law enforcement practices and build community engagement.

(b) The legislation described in subsection (a) of this section shall include recommendations to enhance current grant programs to improve law enforcement practices and build community engagement, including through:

(i) assisting State and local law enforcement agencies with implementing the credentialing process described in section 2 of this order, the reporting described in section 3 of this order, and the co-responder and community-support models described in section 4 of this order;

(ii) training and technical assistance required to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques;

(iii) retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing;

(iv) confidential access to mental health services for law enforcement officers;

(v) programs aimed at developing or improving relationships between law enforcement and the communities they serve, including through community outreach and listening sessions, and supporting non-profit organizations that focus on improving stressed relationships between law enforcement officers and the communities they serve.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

The White House,

June 16, 2020.

[Filed with the Office of the Federal Register, 11:15 a.m., June 18, 2020]

NOTE: This Executive order was published in the Federal Register on June 19.

Petitioner appealed the February 4th, 2025 Order to the 11<sup>th</sup> Circuit Court of Appeal. The 11<sup>th</sup> Circuit Court of Appeal subsequently dismissed the appeal on August 14th, 2025.

This petition now follows to reverse the order dismissing the appeal.

### **REASON FOR GRANTING THE PETITION**

#### **1. The Order Denying the Petitioner the Right to Access of the Courts was entered in Violation of Petitioner's Due Process Right to Notice and Opportunity to be Heard Ended the Litigation.**

There is no doubt that, at a minimum, the Due Process Clause requires notice and the opportunity to be heard. *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 656–57, 94 L.Ed. 865 (1950). This notice-and-opportunity-to-be-heard requirement conforms with bedrock conceptions of due process. *Williams v. Warden, GDCP*, No. 22-10249, 2024 WL 4439968, at \*4 (11th Cir. Oct. 8, 2024). “The ‘essential requirements of due process’ are notice and ... [an] opportunity to respond.” *Laskar v. Peterson*,

771 F.3d 1291, 1297 (11th Cir. 2014) (quoting *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985)); see also *Richards v. Jefferson Cnty.*, 517 U.S. 793, 797 n.4 (1996) (“The opportunity to be heard is an essential requisite of due process of law in judicial proceedings.”).

In *Williams v. Warden, GDCP*, No. 22-10249, 2024 WL 4439968, at \*4 (11th Cir. Oct. 8, 2024), the district court sua sponte dismissed a petition for habeas corpus without giving the Petitioner notice and an opportunity to be heard prior to dismissing the petition. The 11<sup>th</sup> Circuit Court of Appeal held that the sua sponte dismissal without giving the Petitioner notice that it would be dismissing the petition and opportunity to be heard before it dismissed the petition violated Petitioner’s due process. The U.S. Constitution signifies the importance of promoting general welfare providing direct assistance in times of need and prosperity of all citizens. Implementing policies and actions that are considered balanced with a diversified interest for the broader good of the nation. The order effectively ended the litigation.

As such, the order dismissing the appeal in the 11<sup>th</sup> Circuit should be reversed.



## **2. The Order Dismissing the Appeal Violated Petitioner's 6<sup>th</sup> Amendment Right to Access to the Courts.**

There is a fundamental constitutional right of access to the courts which guaranteed by the Sixth Amendment. It is also grounded in the in the First Amendment, the Article IV Privileges and Immunities Clause, and the Fifth Amendment, and/or the Fourteenth Amendment." *Al-Amin v. Smith*, 511 F.3d 1317, 1325 n. 17 (11th Cir.2008); *Smith v. Hutchins*, 426 F. App'x 785, 788–89 (11th Cir. 2011).

Here, the denial of the Petitioner's right to seek in forma pauperis relief without a hearing effectively denies him the right to bring a lawsuit and proceed with a lawsuit, what initiated this denial of litigation is Court officer *RAR* not abiding by FROCP. Not being able to summons and serve the lawsuit on Respondents ends the case since the Petitioner cannot proceed further without meeting the initial financial burdens of litigation. In other words, the denial of the motion to proceed in IFP ends the litigation, or causes of the litigation to become final so that the 11<sup>th</sup> Circuit had jurisdiction to consider the appeal of the denial of Petitioner's petition and motion for appointment of a process server.

As such, the 11<sup>th</sup> Circuit Court of Appeal wrongfully dismissed the appeal.

### **CONCLUSION**

The Petitioner respectfully request the Supreme Court of the United States to grant the petition and reverse the 11<sup>th</sup> Circuit Court of Appeal due to the Courts being impartial and committing a reversible error when it dismissed the Petitioner's appeal for failing to pay the filing and docketing fees to the district Court. The Petitioner seeks a remedy that aims to improve the U.S Constitution also one that demonstrates justice and for such other further relief as this Honorable Court deems just and proper. Petitioner believes the Supreme Court's decision will shape this case.

Respectfully submitted,

/s/ SAMUEL LEE SMITH, JR.

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