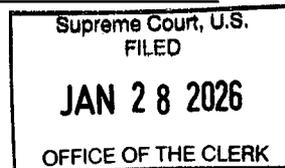


25 - 6837

ORIGINAL

SUPREME COURT OF THE UNITED STATES

SAMUEL LEE SMITH, JR.,
Petitioner(s),



v.

NATASHA KATERINA SMITH,
Respondent(s),

PETITION FOR WRIT OF CERTIORARI

Appeal from the Supreme Court of Florida
Case No. SC2025-1523 Order Dismissing Appeal

SAMUEL LEE SMITH, JR.,
Petitioner Pro se
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QUESTION PRESENTED

Did the Florida Supreme Court wrongly dismiss the Petitioner's appeal because it effectively prevented the Petitioner from having access to the Court and deprived him of his due process, procedural due process, right to notice and opportunity to be heard?

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Florida Case No: 3D2025-1704 against Respondent, Natasha
Katerina Smith. Did the Supreme Court of Florida violate the
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PETITION FOR WRIT OF CERTIORARI

1. DECISION BELOW

Petitioner petitions to this Honorable Court to review the Supreme of Florida Court's October 1, 2025, Order dismissing his petition to seek discretionary review as a result of the lower court's unelaborated decision of the Third District Court of Appeal.

JURISDICTION

The Supreme Court's appellate jurisdiction includes the authority to review decisions concerning the Federal constitution. This petition seeks review of *SAMUEL LEE SMITH, JR., v natasha katerina smith*, Case No. SC2025-1523 (Supreme Court of Florida October 1st, 2025). The Supreme Court's appellate jurisdiction includes the authority to review decisions of appeals Courts.

2. Federal Rule/Question Involved

The Federal Rule or Federal Question involved concerns the Petitioner's 5th Amendment right to due process, 14th Amendment procedural due process, his constitutional right of access to the courts and to be free from the government's abuse of power.

3. Statement of the Case

This is an appeal resulting from a dissolution of marriage case in which the Petitioner has been seeking an order to vacate an existing stay away order. Throughout the entire proceeding since its inception, the Petitioner has been denied his due process, procedural due process, right to notice and opportunity to be heard, and now he is being deprived of having access to the court, all in violation of his rights guaranteed by 5th and 14th Amendments to the United States Constitution. Infringement on civil liberties is clearly erroneous, government abuse of power and corruption (18 U.S.C § 201, 18 U.S.C §§ 201-220) is dangerous and unacceptable.

The latest deprivation of rights began on July 7, 2025, when the Petitioner moved for paternity test which was denied without the opportunity to be heard by denise martinez-scanziani (18 U.S.C. §§ 1961-1968) . Shortly after that, on July 9, 2025, Petitioner moved to dissolve a stay away order, also denied. Public employee denise martinez-scanziani willfully deprived the Petitioner of his protected rights secured by the Constitution (18 U.S.C. § 242). So in other words she used a discriminatory practice that violates

Judicial Conduct Rule 2.3 and (42 U.S.C. § 2000e-16b). Court appointee Denise showed no accountability but yet proved a deeply rooted systematic issue. Petitioner states Stuart Perkins of Miami Dade Sheriff's Department acted unlawfully by falsifying the service of a domestic violence injunction known as judicial deception (Florida Statute § 943.1395), in which that information was provided to Court officer Angelica Dianne Zayas and Jason Emilio Dimitri that strategically assisted the Respondent in permanently removing the child from the father (18 U.S.C. § 1201). This unlawful act displays extortion by the officers and employees of the United States (18 U.S.C. § 872). This was none other than an intent to permanently deprive the Petitioner (10 U.S.C. § 921), violating federal law (18 U.S.C. §§ 1341,1343). So the Supreme Court Justices are aware, the minor child is a Canadian Citizen. All government actors lack the authority to enforce any laws pertaining to the minor child. Petitioner never legally agreed with a signature binding the undersigned and the United States government validating the minor child's identity in the United States. So, this is a criminal abduction by government agents (18 U.S.C. § 1204). Angelica Dianne Zayas, Jason Emilio Dimitri, Stuart Perkins has

demonstrated a pattern of ABUSE OF POWER (18 U.S.C. §§ 1961-1968) along with denise martinez -scanziani. The undersigned states these unjustifiable actions manifest injustice (42 U.S.C. § 1985 (3)). Florida Statute § 817.535 confirms the unlawful filing of a false public record. It is criminal once it becomes active on the docket (Florida Statute § 817.569). It is obvious denise martinez -scanziani did not want to understand facts and the judicial misconduct (18 U.S.C § 1346) that occurred by deviating from her ethical mandate (Florida Statute § 838.022). Notably the stay away order was initially granted without the Petitioner having been properly served with a domestic violence injunction.

The domestic violence injunction was dismissed for improper service, but then trial court arbitrator jason emilio dimitri on its own entered a stay away order (18 U.S.C. § 1018) to replace it without ever giving the Petitioner notice and an opportunity to be heard.

Petitioner, in an effort to support his request to dissolve the stay away order, several subpoenas were issued for the hearing.

On July 24, 2025, Petitioner filed a second motion to dissolve the stay away order.

On July 29, 2025, Petitioner filed a motion for sanctions. More specifically, Petitioner alleged that Respondent failed to comply with discovery requests and as such was entitled to sanctions in the form of costs and attorney's fees.

On July 30, 2025, the Petitioner requested the Respondent to produce documents and filed a motion to compel on August 5, 2025.

On August 7, 2025, denise martinez-scanziani, without any hearing or offering the Petitioner an opportunity to be heard, denied the motion for sanctions (18 U.S.C. § 242).

On August 8th, 2025, the Petitioner certified subpoenas with miami dade sheriffs office to have the requested parties attend the September 10th, 2025, hearing. Deputy clerk 8789 dated the subpeonas on August 12th, 2025. Christina Suarez (60219) attempted service on September 4th, 2025, for angelica dianne zayas, jason emilio dimitri and stuart perkins. The subpoenas were successful on September 8th, 2025 at 11:24 am for jason emilio dimitri and angelica zayas. In an attempt to serve stuart perkins on

September 8th, 2025, christina suarez states it was unsuccessful stating insufficient time to serve.

On the day of hearing September 10th, 2025, denise martinez scanziani quashed the requests for a subpoena duces tecum (18 U.S.C § 1018), this action is grounds for suspension under (Florida Statute § 112.51). officials were not in attendance violating their oath of office and obstruction to justice (U.S.C §§ 1501-1521). The judge also threatened the Petitioner by advising him that he would not be permitted to participate in the proceedings without having counsel due to her dislike of the Petitioners Motions (28 U.S.C. § 455, Florida Statute § 38.02). 28 U.S.C. § 355 governs judicial conduct and accountability. 5 U.S.C. § 706 empowers Courts to overturn agency actions that are arbitrary, capricious, an abuse of discretion, or exceed legal limits.

On September 5, 2025, Petitioner filed a notice of appeal challenging the denial of the trial court's order denying the motion for sanctions due to the miscarriage of justice. The order denying the motion for sanctions was a final order on the issue, as there

was no other judicial labor involved in that matter, and a final judgment on the initial pleadings had already been rendered.

On September 29, 2025, the Florida Third District Court of Appeal dismissed the appeal. The order dismissing the appeal contained an opinion as to why the appeal was being dismissed. Specifically, the opinion stated “Upon careful review of the order on appeal and pro se Appellant's Response to this Court's Order to show cause, we dismiss the appeal as one taken from a non-final, non-appealable order. See, e.g., Fla. R. App. P. 9.130(a)(3)(C).”.

On September 29, 2025, Petitioner filed a notice of appeal seeking to appeal the Florida Third District Court of Appeal's decision in the Florida Supreme Court. On October 1, 2025 without providing any notice or opportunity to be heard, the Florida Supreme Court dismissed the appeal because it “lacked jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation...”.

This petition now follows.

REASON FOR GRANTING THE PETITION

1. The Florida Supreme Court's Dismissing the Petitioner's appeal without any notice or opportunity to be heard unlawfully restricted Petitioner's right to access the Court and

depriving him his due process right to notice and opportunity to be heard.

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). Florida may not “deprive any person of life, liberty, or property, without due process of law.” *U.S. Const. 14TH Amendment*. The Supreme Court has recognized that “[its] precedents establish the general rule that individuals must receive notice and an opportunity to be heard before the Government deprives them of property.” *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 48, 114 S.Ct. 492, 126 L.Ed.2d 490 (1993). *Zen Grp., Inc. v. Agency for Health Care Admin.*, 80 F.4th 1319, 1327 (11th Cir. 2023).

The right to be heard requires a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976). “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* (internal marks omitted); *Johnson v. Fort Walton Beach Hous. Auth.*, No. 3:11CV506-MCR/EMT, 2012 WL 10688344, at *5 (N.D. Fla. Jan. 5, 2012). This includes timely and adequate notice of reasons, and effective opportunity to defend against claims by being permitted to submit arguments, confronting witnesses and presenting evidence in furtherance of one’s own claims or in defense of another’s claim *Id.* The Supreme Court also stated in *Goldberg* that “[t]he opportunity to be heard must be tailored to the capacities and circumstances of those who are to be heard.” *Id.* at 269 (explaining it was insufficient to expect a welfare recipient to present written evidence).

Here, Petitioner is a pro se litigant who filed a motion for sanctions and was deprived of any notice of opportunity to be heard prior to the trial court’s dismissal, and then had the appeal dismissed in the Florida Third District Court of Appeal and the Florida Supreme without even once having the ability to explain

why sanctions were appropriate. This is especially the case when the Florida Supreme Court dismissed Petitioner's appeal for lack of a written opinion to review, when in fact, the Third District Court of Appeal explained in its order of dismissal exactly why the appeal was being dismissed.

Notably, the Petitioner had a valid basis for the motion for sanctions. The Florida Family Law Rule of Procedure permits discovery and the formal exchange of information, and even requires mandatory disclosure. *Fla.Fam.L.R.P. 12.280 and 12.285*. When a party does not comply with those rules of procedure, the proper process is moved to compel and request sanctions. Florida Family Procedure states that a party files a Motion to Impose Sanctions under Florida Statute § 57.105, which allows for sanctions when a party presents or defends a case without a legal or factual basis, and under Florida Family Law Rule 12.380 for discovery violation. This is exactly what the Petitioner did in this case, and in doing so properly exercising his discovery rights.

Petitioner was denied his request for sanctions and discovery in the lower Court and not being given an opportunity for the Courts to explain why the Motion should not have been denied. This

occurred at the trial level, the intermediate appellate level and at the highest level, the Florida Supreme Court. This warrants Abuse of Power (18 U.S.C. §§ 1961-1968) and Corruption (18 U.S.C § 201, 18 U.S.C §§ 201-220).

Now the Florida State courts act as if the Petitioner never even existed, and simply dismissed the Petitioner as a matter of course, and not based upon the merits of his assertions and requests for relief. The court system for the Petitioner goes beyond abusing its discretion, it does not even exercise discretion, as it rules against the Petitioner as a matter of course, irrespective of whether the Petitioner's claim has merit, since the courts do not even consider the merits, and instead deny Petitioner solely because it is the Petitioner. Court officials violating the civil rights act face penalties under Florida Statutes § 760.11 (Florida Civil Rights Act of 1992).

The right to sue and defend in the courts is one of the highest and most essential privileges of citizenship and must be allowed by each state to the citizens of all other states to the same extent that it is allowed to its own citizens. *Chambers v. Balt. & Ohio R.R.*, 207 U.S. 142, 148 (1907); *McKnett v. St. Louis & S.F. Ry.*, 292 U.S. 230, 233 (1934); see also *Christopher v. Harbury*, 536 U.S. 403, 415 n.12

(2002) (noting that the Supreme Court has at various times grounded the right of access to courts in the Privileges and Immunities Clause, the First Amendment, the Fifth Amendment, and the Fourteenth Amendment).

Here, Petitioner is being deprived of that right because he is never provided notice or an opportunity to be heard on his initial claim and appeal of the same. First, the lower court abused its power by summarily dismissing the motion, and then the Florida Supreme Court dismissed the appeal. To further the frustration of Petitioner is the Florida Supreme Court decision to dismiss the appeal based upon the lower court's failure to provide an opinion, when in fact the lower court explained factually and legally exactly why it had dismissed the appeal.

This is not only a deprivation of the Petitioner's due process right, and right to have access to the courts, but it is also an abuse of power . As the court stated in *In re Turner*, 421 So.2d 1077, 1081 (Fla.1982):

The duties, responsibilities, and powers entrusted to judges are awesome. Judges must necessarily have a great deal of independence in executing these powers, but such authority should never be autocratic or abusive. We judges

must always be mindful that it is our responsibility to serve the public interest by promoting justice and to avoid, in official conduct, any impropriety or appearance of impropriety...Judges are expected to be temperate, attentive, patient and impartial, diligent in ascertaining facts, and prompt in the performance of a judge's duties ... Court proceedings and all other judicial acts must be conducted with fitting dignity and decorum, reflecting the importance and seriousness of the inquiry to ascertain the truth.

In *re Taunton*, 357 So.2d 172 (Fla.1978), the court stated:

There are, of course, limits that every judicial officer must observe. Judges are required to follow the law and apply it fairly and objectively to all who appear before them. No judge is permitted to substitute his concept of what the law ought to be for what the law actually is. He may exercise his judicial discretion conservatively or liberally, and he may temper justice with mercy, but he may not deny justice to any person. He may not withhold justice from one litigant in favor of another for whatever reason.

Every judge is answerable for excesses or abuse of his awesome power. There is no place in our system for justice by whim or capricious notion. Regardless of the philosophy to which a justice or judge subscribes, he is not permitted to conduct himself in a manner which is unbecoming to a member of the judiciary and which demonstrates an unfitness to hold office.*Id.* at 179.

See also In re Eriksson, 36 So.3d 580, 589 (Fla. 2010). Here, the Florida Courts have abused their power by simply dismissing the Petitioner, again, not on the merits, but instead, because it's the Petitioner. This evidenced by the courts' denying Petitioner's request without ever permitting him to participate in the process.

Here, the Florida Courts demonstrate contempt prior to investigation. This was a denial of Petitioner's due process right to notice and opportunity to be heard. *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003); *Boddie v. Connecticut*, 401 US 371 (1971).

Based upon the foregoing, the petition should be granted.

CONCLUSION

The lower court's dismissal of the appeal should be reversed, and for such other further relief as this Court deems just and proper.

Respectfully submitted,

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