

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

NEIL J. GILLESPIE,  
ESTATE OF PENELOPE GILLESPIE,

Plaintiffs/Appellants,

vs.

CASE NO.: 12-11028-B

CASE NO.: 12-11213-C

THIRTEENTH JUDICIAL CIRCUIT,  
FLORIDA, et al.

Defendants/Appellees.  
\_\_\_\_\_ /

**CONSOLIDATED NOTICE OF CLERK MISTAKE**

**RE: U.S. ATTORNEY APPEARANCE**

**MOTION TO TOLL TIME**

1. Appellants, ESTATE OF PENELOPE GILLESPIE and NEIL J. GILLESPIE, hereby give consolidated notice of a letter suggesting a mistake by the Clerk, received from Mr. David P. Rhodes, Assistant United States Attorney, Chief, Appellate Division, on behalf of Robert E. O'Neill, United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602, dated April 12, 2012. (Exhibit 1). The letter, addressed to Neil J. Gillespie ("Gillespie"), 8092 SW 115th Loop, Ocala, Florida 34481, states:

"Thank you for your letter. The Eleventh Circuit Court Clerk had mistakenly listed us as counsel in this appeal. We do not represent anyone in this case, and the Court has corrected its records. So you do not need to serve us with anything associated with your appeal."

2. Mr. Rhodes' letter was in response to a letter from Gillespie to U.S. Attorney Robert E. O'Neill requesting information about the appearance of the U.S. Attorney in this appeal, as set forth below: (Exhibit 2)

"Dear U.S. Attorney O'Neill:

This inquiry is to understand your appearance in the above captioned appeal(s).

March 8, 2012 I spoke with Melanie Gaddis at (404) 335-6187, the Case Handler for Appeal Number 12-11028-B. Ms. Gaddis said your appearance for the Thirteenth Judicial Circuit, Florida, et al. was standard procedure. Based on that information I provided you service of copies for the Thirteenth Circuit.

Yesterday I read on the U.S. Attorney's website that "We enforce the criminal laws of the United States and represent the United States' interest in civil judicial proceedings."

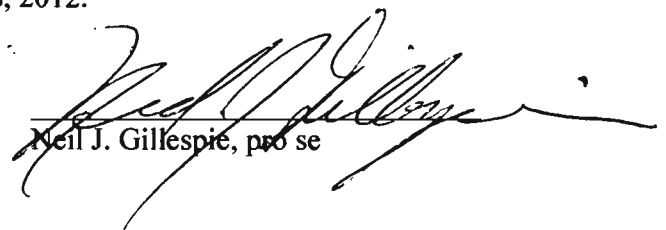
Insofar as the Thirteenth Judicial Circuit, Florida, et al., are state actors, I do not understand your appearance, since there is no United States interest in this case.

Please advise because I do not understand. Should I continue providing your office copies of pleadings in the appeal(s)? Thank you.

3. Gillespie moves to toll time so he can determine who represents the Thirteenth Judicial Circuit, Florida, et al., and serve counsel with the pleadings misdirected to the U.S. Attorney. Catherine Barbara Chapman, counsel for Mr. Bauer, informed Gillespie April 17, 2012 "I do not know who represents the Thirteenth Judicial Circuit."

4. Gillespie provided a copy of this notice to David A. Rowland, Court Counsel for the Thirteenth Judicial Circuit, Florida, and requests Mr. Rowland identify to Gillespie who represents or accepts service for the Thirteenth Judicial Circuit, Florida, et al.

RESPECTFULLY SUBMITTED April 18, 2012.

  
Neil J. Gillespie, pro se

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed by U.S. Postal

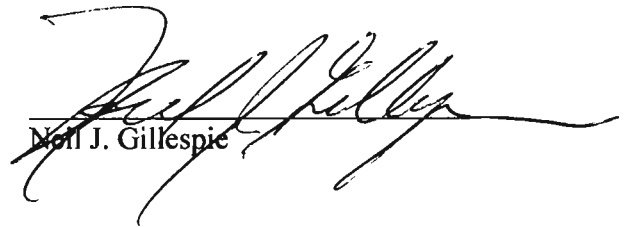
Service first class mail April 18, 2012 to the following:

Robert E. O'Neill, US Attorney (courtesy copy)  
US Attorney's Office  
400 N. Tampa St., Suite 3200  
Tampa, FL 33602-4798

David A. Rowland, Court Counsel (For the Thirteenth Judicial Circuit, FL, et al.)  
Administrative Offices Of The Courts  
Thirteenth Judicial Circuit Of Florida  
Legal Department  
800 E. Twiggs Street, Suite 603  
Tampa, Florida 33602

Catherine Barbara Chapman (For Robert W. Bauer, et al)  
Guilday, Tucker, Schwartz & Simpson, P.A.  
1983 Centre Pointe Boulevard, Suite 200  
Tallahassee, FL 32308-7823

Ryan C. Rodems, Esquire (For himself and his firm Barker, Rodems & Cook, PA)  
Barker, Rodems & Cook, PA  
501 E. Kennedy Blvd, suite 790  
Tampa, Florida 33602

  
Neil J. Gillespie

2110 First Street, Suite 3-137  
Fort Myers, Florida 33901  
239/461-2200  
239/461-2219 (Fax)



300 N. Hogan Street, Room 700  
Jacksonville, Florida 32202  
904/301-6300  
904/301-6310 (Fax)

35 SE 1st Avenue, Suite 300  
Ocala, Florida 34471  
352/547-3600  
352/547-3623 (Fax)

U.S. Department of Justice  
*United States Attorney*  
*Middle District of Florida*

501 West Church Street, Suite 300  
Orlando, Florida 32805  
407/648-7500  
407/648-7643 (Fax)

*Main Office*  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
813/274-6000  
813/274-6358 (Fax)

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Reply to: Tampa

April 12, 2012

Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, FL 34481

Re: Appeal No. 12-11028-B

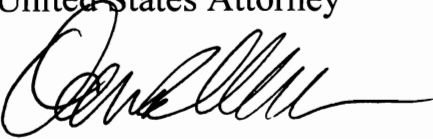
Dear Mr. Gillespie:

Thank you for your letter. The Eleventh Circuit Court Clerk had mistakenly listed us as counsel in this appeal. We do not represent anyone in this case, and the Court has corrected its records. So you do not need to serve us with anything associated with your appeal.

Very truly yours,

ROBERT E. O'NEILL  
United States Attorney

By:

  
DAVID P. RHODES  
Assistant United States Attorney  
Chief, Appellate Division

EXHIBIT

1

VIA FAX (813) 274-6358 and  
U.S.P.S. First Class Mail

April 9, 2012

Robert E. O'Neill, U.S. Attorney  
U.S. Attorney's Office  
Middle District of Florida  
400 N. Tampa St., Suite 3200  
Tampa, FL 33602-4798

RE: Neil J. Gillespie, et al., v. Thirteenth Judicial Circuit, Florida, et al.  
U.S. Court of Appeals for the Eleventh Circuit  
Appeal Number 12-11028-B and Appeal Number 12-11213-C

Dear U.S. Attorney O'Neill:

This inquiry is to understand your appearance in the above captioned appeal(s).

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Please advise because I do not understand. Should I continue providing your office copies of pleadings in the appeal(s)? Thank you.

Sincerely,



Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, Florida 34481

Telephone: (352) 854-7807  
Email: [neilgillespie@mfi.net](mailto:neilgillespie@mfi.net)  
Website: <http://yousue.org/litigation/>