Index to Petition No. 12-7747 for writ of certiorari U.S. Supreme Court 2012 Rule 13.5 Applications 2011 Rule 22 Applications

Petitioner pro se, *in forma pauperis*, Neil Gillespie, 8092 SW 115th Loop, Ocala Florida 34481, Telephone 352-854-7807, Email: neilgillespie@mfi.net

2012

Neil J. Gillespie v. Thirteenth Judicial Circuit Florida, et al.

Petition No. 12-7747 for Writ of Certiorari, U.S. Supreme Court

Filed December 10, 2012; docketed December 14, 2012 Denied February 19, 2013; rehearing denied April 19, 2013

http://www.scribd.com/collections/3796666/

http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-7747.htm

Application No. 12-A215 to Justice Thomas - Rule 13.5

Supreme Court of the United States - 2012 C.A.11 No. 12-11213 and 12-11028 extended time, consolidate

http://www.scribd.com/doc/104557417/

http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12a215.htm

2011

Emergency Petition For Writ of Prohibition

Rule 22 Application to Justice Thomas Received June 15, 2011, returned

Emergency Petition for Stay or Injunction

Rule 22 Application to Justice Thomas

Received June 2, 2011, returned

http://www.scribd.com/collections/4370587/

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Neil J. Gillespie v. Thirteenth Judicial Circuit, Florida, et al. Petition No. 12-7747 for Writ of Certiorari

Supreme Court of the United States - 2012-2013

Appellate Case 1 Eleventh Circuit Court of Appeals, No. 12-11213

District Court, M.D. Fla., No. 5:10-cv-00503-WTH-(DAB)-TBS

Appellate Case 2 Eleventh Circuit Court of Appeals, No. 12-11028

District Court, M.D. Fla., No. 5:11-cv-00539-WTH-TBS

<u>December 10, 2012</u> Petition for writ of certiorari filed, Neil J. Gillespie, pro se, *in forma pauperis*

- Petition for writ of certiorari to the Supreme Court of the United States
- Rule 39 motion for leave to proceed in forma pauperis
- Rule 29 proof of service, December 10, 2012
- Cover letter to the Clerk of the U.S. Supreme Court, December 10, 2012

SEPARATE VOLUME APPENDICES: 12 categories, additional subparts.

- C.A.11 Gillespie's Affidavit, Judge Isom's Conflict, ADA Violations
- C.A.11 Disability, Mental Integrity as 14th Amend. Liberty Interest
- C.A.11 E-filing, Disability Accommodation, in support of IFP
- C.A.11 Civil RICO, Hobbs Act, Title 15 U.S.C. Trade Commerce
- Florida Supreme Court, documents in Case No. SC11-1622
- Judicial Qualif. Comm. Judge Martha Cook, JQC Docket 10495
- Judicial Qualif. Comm., Judge Clauda Isom, JQC Docket No. 12385
- The Florida Bar v. Robert W. Bauer, File No. RFA 13-7675
- The Florida Bar v. Eugene Castagliuolo, File No. 2013-10,162 (6D)
- The Florida Bar v. Ryan C. Rodems, File No. 2013-10,271 (13E)
- U.S. Dist. Court pleadings, case 5.10-cv-503-WTH-(DAB)-TBS
- U.S. Dist. Court pleadings in case 5.11-cv-539-WTH-TBS

<u>December 10, 2012</u> Re-submission of request for disability accommodation/guardian ad litem.

• Initially submitted August 28, 2012 to the Supreme Court Clerk, the Honorable William K. Suter; returned September 4, 2012 with letter of Mr. Clayton R. Higgins, Jr., unable to assist you, Article III, U.S. Const.

December 14, 2012 Petition No. 12-7747 docketed. Response due January 14, 2013.

<u>December 20, 2012</u> Waiver to respond filed, Ryan Christopher Rodems, Barker Rodems & Cook.

- Thirteenth Judicial Circuit, Florida: No waiver or response filed.
- Claudia Rickert Isom, Florida Judge: No waiver or response filed.
- James M. Barton, Florida Judge: No waiver or response filed.
- Martha J. Cook, Florida Judge: No waiver or response filed.
- David A. Rowland, Court Counsel: No waiver or response filed.
- Gonzalo B. Casares, ADA Coordinator: No waiver or response filed.
- Robert W. Bauer/Law Office of RWB: No waiver or response filed.

<u>January 22, 2013</u> Rule 8 Notice, Conduct Unbecoming Member of SCOTUS Bar, Mr. Rodems.

- **NOTE** Notice was received by the Court January 23, 2013 at 12.22 PM, but does not appear on SCOTUS Docket. UPS No. 1Z64589FNW94832551
 - Called Jeffrey Atkins, Supervisor of New Cases, January 17, 2013
 - Letter to Mr. Atkins, Supervisor of New Cases, January 22, 2013
 - Called Robert "I don't see them in our system", January 31, 2013
 - Message to Mr. Atkins, Supervisor of New Cases, February 8, 2013
 - Letter to Hon. William K. Suter, February 11, 2013 No response

January 22, 2013 Rule 12.6 Notice of No Party Interest for Mr. Rodems, Barker, Rodems & Cook.

- **NOTE** Notice was received by the Court January 23, 2013 at 12.22 PM, but does not appear on SCOTUS Docket. UPS No. 1Z64589FNW94832551
 - Called Jeffrey Atkins, Supervisor of New Cases, January 17, 2013
 - Letter to Mr. Atkins, Supervisor of New Cases, January 22, 2013
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 - Letter to Hon. William K. Suter, February 11, 2013 No response

<u>January 22, 2013</u> Filed Supplemental Volumes, Constitutional and Statutory Provisions Involved.

- United States Constitutional and Statutory Provisions Involved.
- Florida State Constitutional and Statutory Provisions Involved.

January 24, 2013 Petition No. 12-7747 DISTRIBUTED for Conference of February 15, 2013.

<u>February 13, 2013</u> Supplemental brief of petitioner Neil J. Gillespie served. Intervening matters and Florida Bar Complaints.

- Lawyer discipline in Florida: Catastrophically Broken Hawkins Report
- Local Discipline Components are a Fatal Defect in Florida Bar Discipline ABA McKay Report 1992, and the ABA Clark Report 1970
- Florida Bar's Hawkins Report & Survey May 2012 Judges Dissatisfied
- The Lawyer-Judge Bias in the American Legal System Prof. Ben Barton

2

- Antitrust Legal Monopoly *Malice Aforethought*, David W. Marston
- The Secret Life of Judges, 75 Fordham L. Rev. 2855 (2007), Judge Jacobs

SEPARATE VOLUME APPENDICES, three (3):

- Florida Bar's Hawkins Commission on Review of Discipline System
- Are Senior Judges Unconstitutional? 92 Cornell Law Review 453 (2007)
- Separate Volume Appendix: <u>Appendix 1 through Appendix 13</u>

Book provided, David W. Marston, *Malice Aforethought: How Lawyers Use Our Secret Rules to Get Rich, Get Sex, Get Even...and Get Away with It* Publisher: William Morrow & Co., book provided to the Supreme Court.

<u>February 15, 2013</u> Supplemental brief arrived and was DISTRIBUTED for conference the same day.

February 19, 2013 Petition DENIED.

March 18, 2013 Petition for Rehearing filed.

• Petitioner's Invitation to the American Bar Association to audit his Florida Bar complaints, and disability accommodation. Review Legal Abuse Syndrome, to complement the ABA's first comprehensive review of disciplinary enforcement rules in 20 years, by Myles V. Lynk, Chair of the ABA Standing Committee on Professional Discipline.

March 27, 2013 Petition for Rehearing DISTRIBUTED for Conference of April 12, 2013.

April 9, 2013 Letter to Clerk: Tomorrow, April 10, 2013, I will send by U.P.S. next day delivery a Rule 21 motion to correct and supplement my petition for rehearing Petition No. 12-7747 for writ of certiorari.

April 10, 2013 Rule 21 Motion to Correct and Supplement Petition for Rehearing.

[returned out-of-time, case closed; the Rule 21 Motion appears on Scribd]

http://www.scribd.com/doc/135824951/

- Part 1 Matters Concerning The Florida Bar. Request for Investigation to Florida Bar President Gwynne Alice Young March 28, 2013 for witness tampering and obstruction of justice in the complaint against Robert W. Bauer, TFB No. 2013-00,540 (8B)
- Part 2 <u>U.S. v. Terry</u>, No. 11-4130, U.S. Sixth Circuit. Honest Services Fraud, 18 U.S.C. § 1346, Respondent Martha J. Cook, Florida Judge, acted as Mr. Rodems' "marionette" as described in <u>U.S. v. Terry</u>.
- Part 3 Disability. Three Formulations of the Nexus Requirement in Reasonable Accommodations Law. 126 Harv. L. Rev. 1392 (2013)

SEPARATE VOLUME APPENDICES:

- Request Investigation, Fla. Bar Pres. Gwynne Young March 28, 2013 witness tampering, obstruction of justice, re TFB No. 2013-00,540 (8B)
- Transcript of phone call Kim Pruett-Barry Oct-03, 2012, w/audio CD
- Opinion, U.S. V. Terry, 11-4130, U.S. Sixth Circuit
- Honest Services Fraud, 18 U.S.C. § 1346, Respondent Martha J. Cook
- Transcript, September 28, 2010, Final Summary Judgment, Civil Contempt Errata Sheet, Neil J. Gillespie
- Affidavit of Neil J. Gillespie, April 25, 2011
- Three Formulations of the Nexus Requirement in Reasonable Accommodations Law. 126 Harv. L. Rev. 1392 (2013)

April 12, 2013 [returned, out-of-time, case closed]

Letter to the Clerk of the Supreme Court, "Firsthand Accounts" of disability omitted in April 10th filing - Three Formulations of the Nexus Requirement in Reasonable Accommodations Law. 126 Harv. L. Rev. 1392 (2013)

Follow-up letter to my telephone call April 12, 2013 to James Bowden of the Supreme Court, shipping delayed on a Rule 21 motion served April 10, 2013, matters with The Florida Bar, and American Bar Association, additional disability information and how it affected my case. [posted on Scribd]

http://www.scribd.com/doc/138292729/SCOTUS

April 15, 2013	Rehearing DENIED.

<u>April 16, 2013</u> Supreme Court Clerk returned my Rule 21 Motion out-of-time.

April 16, 2013 Supreme Court Clerk returned my April 12, 2013 letter out-of-time.

<u>April 17, 2013</u> Supreme Court Clerk returned voluminous pleadings from the petition.

• Petition No. 12-7747 will be sent to the National Archives and Records Administration (NARA) at the end of the Court's Term.

May 13, 2013 Letter to Kathleen L. Arberg, Supreme Court Public Information Officer.

http://www.scribd.com/doc/144645896/

Ms. Arberg did not respond to my letter, and did not respond to follow-up email sent June 11, 2013. Some of the information I requested included:

- Public records in Application No. 12A215 showing why it was granted
- Public records for the cert. pool memo in Petition No. 12-7747, etc.
- Public records, Supreme Court does not e-file, use CM/ECF, or PACER
- Disability, law & complications; Rule 21 Motion untimely, no e-filing.

May 14, 2013

Notice from The Florida Bar of the Unlicensed Practice of Law Investigation of Neil J. Gillespie, Case No. 20133090(5), for appearing pro se in case no. 5:11-cv-00539-WTH-TBS which forms the basis of Petition No. 12-7747.

• UPL complaint was made by Mr. Rodems against Neil J. Gillespie. Documents in the UPL investigation are on the enclosed CD-ROM.

May 16, 2013

Letter to Kenneth Wilson, Fla. Assist AG, re David Rowland, General Counsel, 13th Circuit misled you. Cc. to Gov. Scott, A.G. Bondi. No response from Mr. Wilson, Gov. Scott, AG Bondi, or anyone else.

http://www.scribd.com/doc/142305243/

May 24, 2013

Letter to Gov. Rick Scott and AG Pam Bondi, copy of Petition No. 12-7747, Re: David Rowland mislead Kenneth Wilson, Assistant Attorney General, that I did not serve him per Rule 29 a copy of Petition No. 12-7747. No response from Gov. Scott, AG Bondi, or anyone else.

May 24, 2013

Letter to U.S. Marshal William B. Berger, Sr., Tampa, Florida. Response by Deputy Roger Devall, telephone call June 3, 2013 at 2:00 PM, said the U.S. Marshall will serve a federal complaint on judges as provided by law. An Ocala Division deputy Clerk denied this September 28, 2010 when I filed the Complaint in 5:10-cv-503. Deputy Devall also advised the Clerk may not issue summons. From the transcript, Deputy Devall, June 3, 2013, page 14:

11 ...You might have issues getting summons --12 summons issued by the Clerks court for Judges.

I served the Complaint(s) in each case under Fed. R. Civ. Pro. 4(d) Waiver (all parties except Mr. Rodems and firm); later learned waiver provision does not apply to state governments. PDF copies on enclosed CD-ROM.

Sonja Mullerin v John Hayter, et al., 1:12-cv-00190-SPM-GRJ. This case also shows the District Clerk would not issue summons against Fla. judges.

Mullerin v Hayter alleges a Florida state court operated as a corrupt RICO enterprise. The Plaintiff alleged a Florida court deprived her of rights under 42 U.S.C. 1983 through a pattern of racketeering activity to benefit a local attorney and law firm that used the court for "asset stripping" - to obtain fraudulent court orders requiring money or property to be transferred from the true owners - persons targeted by the enterprise - to the law firm and its clients. The suit alleges the Alachua County Florida court was not operated in an effective and expeditious manner for which it was created by statute - but as a corrupt RICO enterprise for the private benefit of the law firm & clients.

A composite of documents in <u>Mullerin v Hayter</u> is posted on Scribd: http://www.scribd.com/doc/163229364/

The Supreme Court's allotment order effective September 28, 2010 shows for the Eleventh Circuit, Clarence Thomas, Associate Justice. For Rule 22 Applications to Individual Justices.

http://www.supremecourt.gov/orders/courtorders/ALLOTMENTORDER9-28-10.pdf

Application No. 12-A215 to Justice Thomas - Rule 13.5 Supreme Court of the United States - 2012

http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12a215.htm

Neil J. Gillespie v. Thirteenth Judicial Circuit, Florida, et al. C.A.11 No. 12-11213 and C.A.11 No. 12-11028 extended time, consolidate

<u>Gillespie v. Barker, Rodems & Cook. P.A.</u> Consolidate Florida Supreme Court No. SC11-1622 (only Aug-13-12 application)

September 13, 2012 Letter of Clayton R. Higgins, Application 12-A215 granted. The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Thomas, who on September 13, 2012 extended the time to and including December 10, 2012.

The letter does not show consolidation of the two federal appeals, C.A.11 No. 12-11213 and C.A.11 No. 12-11028.

- August 29, 2012 Rule 13.5 Application to Justice Thomas, extend time to file writ of certiorari and consolidate two federal appellate orders for review on certiorari: C.A.11 No. 12-11213 and C.A.11 No. 12-11028.
- August 17, 2012 Letter, returned papers, response from Mr. Clayton R. Higgins:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was sent by commercial carrier August 13, 2012 and received August 15, 2012. The papers are returned for the following reason(s):

- The lower court opinion must be appended. Rule 13.5.
- The application does not specify the amount of additional time requested. Rule 13.5.
- The application does not set forth with specificity the reasons why the granting of an extension of time is thought justified. Rule 13.5.
- It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.
- A copy of the corrected application must be served on opposing counsel.

If your are attempting to file the extension of time to file your petition for writ of certiorari seeking review of both state and federal court orders, you must file separate extension requests. You may not consolidate state and federal court orders.

August 13, 2012 [returned, errors]

Rule 13.5 Application to Justice Thomas, extend time to file writ of certiorari and consolidate state and federal orders for review on certiorari:

- Supreme Court of Florida, Case No. SC11-1622
- U.S. Court of Appeals for the 11th Circuit, 12-11213-C
- U.S. Court of Appeals for the 11th Circuit, Case No. 12-11028-B

Motion for Appointment of Guardian Ad Litem

Notice of Extraordinary Circumstances (home foreclosure, reverse mortgage)

[Not docketed - Returned out-of-time]

Petition for Writ of Certiorari - FLSC No. SC11-1622 Supreme Court of the United States - 2012

Gillespie v. Barker, Rodems & Cook, PA, et al. Florida Supreme Court No. SC11-1622 LT Case No. 05-CA-7205, Hillsborough County, Florida

 2dDCA, 2D06-3803: Gillespie v. BRC

 2dDCA, 2D07-4530: BRC v. Gillespie
 2dDCA, 2D10-5197: Gillespie v. BRC

 2dDCA, 2D08-2224: Gillespie v. BRC
 2dDCA, 2D10-5529: Gillespie v. BRC

 2dDCA, 2D11-2127: Gillespie v. BRC

August 23, 2012 Letter response from Mr. Clayton R. Higgins:

The above-entitled petition for writ of certiorari was sent by commercial carrier August 20, 2012 and received August 22, 2012. The papers are returned for the following reason(s):

- The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was March 12, 2012. Therefore, the petition was due on or before June 11, 2012. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.
- The May 22, 2012 order from the Florida Supreme Court does not appear to be a order denying a timely petition for rehearing.

August 20, 2012 Submitted petition for writ of certiorari to the U.S. Supreme Court for review [returned out-of-time] of Florida Supreme Court Case No. SC11-1622. This was a five page petition with six (6) Separate Volume Appendices, Appendix Volumes A through F.

Petition with all exhibits posted on Scribd 904 pages, http://www.scribd.com/doc/103699430/

Petition only posted on Scribd 16 pages, http://www.scribd.com/doc/103687638/

2011 Proceedings

[Not docketed - Returned, errors]

Emergency Petition For Writ of Prohibition Rule 22 Application to Justice Thomas Supreme Court of the United States - 2011

Gillespie v. Barker, Rodems & Cook, PA, et al. Florida Supreme Court No. SC11-858

<u>June 15, 2011</u> Letter response from Mr. Clayton R. Higgins:

The above-entitled petition for an extraordinary writ of prohibition was received on June 15, 2011. The papers are returned for the following reason(s):

- The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.
- The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.
- A copy of the corrected petition must be served on opposing counsel.

June 11, 2011 [returned, errors]

Rule 22 Application to Justice Thomas, Emergency Petition For Writ of Prohibition, Appeal Order of The Supreme Court of Florida, No. SC11-858

- For review by this Court is the judgment rendered by the Supreme Court of Florida in Case No. SC11-858, by Order issued May 18, 2011, that denied Gillespie's Emergency Petition for Writ of Prohibition, that sought to remove Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. Pursuant to Rule 23.3, a copy of the Order is attached to this application. (Rule 22 Application, 10 pages)
- Exhibits 1 10 in a Separate Volume Appendices (809 pages total)

From the Rule 22 Application, paragraph 7, page 4:

7. Gillespie is currently being pursued by law enforcement on an active arrest warrant as a civil contemnor. Judge James D. Arnold found Gillespie in civil contempt June 1, 2011 and caused warrant number 22044323 to be issued for his arrest. Gillespie is indigent and disabled. Gillespie was found indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes to appoint the public defender.

The public defender appeared at the civil contempt hearing June 1, 2011 and moved to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination. The Court found there was no lawful basis for the appointment of the public defender to represent the plaintiff, and issued "Order Relieving The Office of The Public Defender of The Thirteenth Judicial Circuit From Representation of Plaintiff Neil Gillespie". (Exhibit 5).

[Not docketed - Returned, errors]

Emergency Petition for Stay or Injunction Rule 22 Application to Justice Thomas Supreme Court of the United States - 2011

Gillespie v. Barker, Rodems & Cook, PA, et al. Florida Supreme Court No. SC11-858

<u>June 2, 2011</u> Letter response from Mr. Danny Bickell:

Your application for stay or injunction, received June 2, 2011 is herewith returned for the following reason(s):

- You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.
- You failed to identify the judgment you are asking the Court to review and to append a copy of the order or opinion as required by Rule 23.3 of this Court's Rules.
- You are required to state the grounds upon which this Court's jurisdiction is invoked, with citation of the statutory provision.

May 31, 2011 [returned, errors]

<u>Rule 22 Application</u> to Justice Thomas, <u>Emergency Petition for Stay or</u> Injunction, from Order of The Florida Supreme Court Case No. SC11-858.

- The Supreme Court of Florida by Order in SC11-858 dated May 18, 2011 denied Gillespie's Emergency Petition for Writ of Habeas Corpus, and Emergency Petition for Writ of Prohibition filed May 3, 2011. Gillespie appeals that Order to this Court. (Rule 22 Application, 12 pages)
- Exhibits 1 12 in a Separate Volume Appendices (918 pages total)

From the Rule 22 Application, paragraphs 1 and 2, page 2:

- 1. Petitioner pro se, Neil J. Gillespie ("Gillespie"), makes application to Justice Clarence Thomas pursuant to Rule 22 for an Emergency Petition For Stay or Injunction, and states:
- 2. Gillespie is a disabled, indigent civil contemnor facing incarceration June 1, 2011 at 11:00AM before Judge James D. Arnold, Thirteenth Judicial Circuit, Florida, for violating a state court order. The question whether an indigent defendant has a constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration is currently before this Court in <u>Turner v. Rogers</u>, U.S. Docket 10-10 and was argued March 23, 2011. Based upon argument in <u>Turner</u>, Gillespie filed *Plaintiff's Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum Of Law*, May 24, 2011. (Exhibit 1). The next day Gillespie emailed counsel who participated in <u>Turner</u> seeking assistance. (Exhibit 2). About an hour later attorney Krista J. Sterken called Gillespie at home with an offer of representation contingent on a conflict search. Mr. Sterken is co-counsel with Michael D. Leffel of Foley & Lardner LLP who submitted an amicus brief in <u>Turner</u> for the Center for Family Policy and Practice. Unfortunately Mr. Leffel declined representation by letter May 27, 2011. (Exhibit 3).

Note 1: Two Rule 22 Applications to Justice Thomas were cross-filed in case 5:10-cv-503 on August 30, 2011, see *Plaintiff Neil J. Gillespie's Notice of Filing Rule 22 Applications to United States Justice Clarence Thomas*. (Doc. 44). A three-page Notice appears at <u>Doc. 44</u> on PACER, and is attached here as <u>Exhibit E</u>. The full 246 page filing is posted on Scribd.

http://www.scribd.com/doc/104658149/SCOTUS-Rule-22-Applications

Note 2. Florida Supreme Court petition SC11-1622 was cross-filed in case 5:10-cv-503 on January 10, 2012, see *Notice of Filing Copy, Petition for Writ of Mandamus Supreme Court of Florida, Case No. SC11-1622.* (Doc. 62, 62-1) The two-page Notice (Doc. 62) is attached here. Exhibit F. The full 59-page Florida Supreme Court petition SC11-1622, is posted on Scribd.

http://www.scribd.com/doc/77963746/Notice-Petition-Mandamus-SC11-1622

Note 3: Also in Fla. Sup. Ct. No. SC11-1622, *Notice of Filing Copy, Affidavit of Neil J. Gillespie* (Doc. 61) is my affidavit on the Representation of Eugene P. Castagliuolo FL Bar ID no. 104360.

The two-page Notice (Doc. 61) is attached here. Exhibit G. The affidavit is 58 pages on Scribd.

http://www.scribd.com/doc/77963462/Affidavit-NJG-Re-Castagliuolo

FRAUD OR IMPAIRMENT OF PETITION NO. 12-7747
A LEGITIMATE GOVERNMENT ACTIVITY, 18 U.S.C. § 371
DEPRIVATION OF RIGHTS UNDER COLOR OF LAW, 18 U.S.C. § 242
CONSPIRACY AGAINST RIGHTS, 18 U.S.C. § 241



Public records show David A. Rowland, General Counsel for the Thirteenth Judicial Circuit, Florida, concocted with others a fraud to falsely portray to Kenneth Wilson, Florida Assistant State Attorney, that I did not serve Rowland my petition per Supreme Court Rule 29. Mr. Wilson claims he relied on Rowland's fraud, and did not submit a brief in opposition to the Supreme Court due January 14, 2013. See my letter to Kenneth Wilson, Florida Assistant State Attorney, May 16, 2013.

David A. Rowland - concocted a fraud to deny 12-7747 due process - a Respondent himself



Without a response by Mr. Wilson or Attorney General Pam Bondi for the State of Florida, my petition was denied due process under the Fifth and Fourteenth Amendments. The Supreme Court relies on briefs in opposition as part of its adversarial process to properly litigate a petition. The responses were due January 14, 2013. AG Bondi did not submit a response for Florida, and therefore no response was distributed for the Conference of February 15, 2013. See my letter to Gov. Rick Scott and AG Pam Bondi May 24, 2013.

Pamela Jo Bondi, Florida Attorney General - failed to file a response brief due January 14, 2013



Instead of filing a waiver to respond to the petition, Attorney General Bondi, acting for the state of Florida, was part of a fraud along with Mr. Rowland, Mr. Wilson and Respondent Robert Bauer, where Mr. Rodems was selected as the only party who would appear in the Supreme Court and submit a waiver to respond to the petition, unless one was requested by the Court. This fit nicely with plans of AG Bondi, and would allow Mr. Rodems to continue to harass me, and lie to the Supreme Court to protect himself and all other Respondents. This also shows why counsel Catherine Chapman did not represent Mr. Bauer in the Supreme Court, and why she would not respond to me about her role.

Ryan C. Rodems - his firm stole \$7,143. Judge Nielsen found a cause of action, Order January 13 2006



Robert W. Bauer

Robert W. Bauer, referred to me by The Florida Bar Lawyer Referral Service. TFB file No. 2013-00,540 (8B) alleges Mr. Bauer churned \$31,863 in fees for himself, failed to file an amended complaint, dropped the case, switched sides. Violation of Rule 4-1.1. not competent.

Violation of Rule 4-1.3. not diligent.

Violation of Rule 4-8.4(c). dishonesty, fraud, deceit, and misrepresentation. Violation of Rule 4-8.4(d). conduct prejudicial to the administration of justice. Violation of Rule 4-8.3(a). failed to report misconduct of Mr. Rodems.

The Florida Bar has conflict in complaint due to its 12% LRS fee, \$2,305.49. Feb-09-2013 Mr. Bauer wrote in his response to Annemarie Craft that my petition would be "dismissed shortly"- showing he had inside information.

and kenneth.wilson@myfloridalegal.com

Kenneth V. Wilson, Assistant Attorney General Civil Litigation Bureau -Tampa Office of the Attorney General 501 E Kennedy Blvd., Suite 1100 Tampa, Florida 33602

> RE: Missing Public Records, Gillespie v. Thirteenth Judicial Circuit, Florida, et al. Petition No. 12-7747 for Writ of Certiorari, Supreme Court of the United States

Dear Mr. Wilson:

So sorry to see you got duped by court counsel David Rowland and paralegal Sandra Burge, who misrepresented to you that I did not provide Mr. Rowland a copy of Petition No. 12-7747. That must explain why the petition was not among the 323 pages of public records provided by your office that arrived here in Ocala May 9, 2013 in response to my records request.

An email (Exhibit 1) from Mr. Rowland's paralegal Sandra Burge to Chief Assistant Attorney General Diana R. Esposito 12/20/2012 at 12:51 PM, Cc to David Rowland and Chris Nauman, advanced this material falsehood, which Ms. Esposito sent to you, Cc to Amanda Cavanaugh:

The Plaintiff's Notice of Filing the petition for writ of certiorari was received in the Legal Department's Office on 12/18/12 is attached as well as the Court's docket indicating a response is due, if needed, by January 14, 2013. Neither a copy of the petition nor "separate Volume Appendices" accompanied the Notice.

A letter (Exhibit 2) emailed by you January 8, 2013 repeated the falsehood back to Mr. Rowland:

While Plaintiff did not provide a copy of his Petition....

On December 10, 2012 I served Mr. Rowland per Rule 29, proof of service, the following:

- 1. Petition for writ of certiorari to the Supreme Court of the United States,
- 2. Rule 39 motion for leave to proceed in forma pauperis
- 3. Rule 29 proof of service, December 10, 2012
- 4. Compact Disk (CD) containing PDF files of the separate volume appendices.
- 5. My cover letter to the Clerk of the U.S. Supreme Court, December 10, 2012

United Parcel Service (UPS) tracking 1Z64589FP297520287 shows delivery December 11, 2012 at 10:55 AM to the Thirteenth Judicial Circuit, 800 E. Twiggs Street, Tampa, Florida 34481. FYI, all UPS ground shipping within Florida is delivered next day, unless shipped on Friday.

The UPS proof of delivery for 1Z64589FP297520287 December 11, 2012 shows "DAVIS" at the front desk signed for the delivery, and shows an image of the signature "D. Davis". A seven (7) page composite of the UPS proof of delivery and tracking documents is enclosed. (Exhibit 3). The document referred to by Ms. Burge in her deceptive email to Ms. Esposito was a Rule 12.3 notice, and notice of waiver to file a response, delivered December 18, 2012 at 10:44 AM to the Thirteenth Judicial Circuit. Unfortunately Ms. Burge, Mr. Rowland, and Mr. Nauman failed to inform you that my petition was delivered a week earlier, December 11, 2012 at 10:55 AM.

The Thirteenth Circuit gang further mislead you by providing you my December 10, 2012 cover letter to the Clerk of the Supreme Court which they date-stamped December 18, 2012, when this letter was in fact a second courtesy copy of the one received by Rowland December 11, 2012 but does not appear date-stamped as such in the records your office provided me May 9, 2013.

Enclosed you will find evidence showing I served by UPS the Rule 12.3 notice, and notice of waiver to Mr. Rowland December 17, 2012 tracking no. 1Z64589FP291778029, which was delivered December 18, 2012 at 10:44 AM, to the Court's address, 800 E. Twiggs Street, Tampa, Florida. The UPS proof of delivery shows "DAVIS" at the front desk signed for the delivery. A composite of the UPS proof of delivery and tracking documents is enclosed. (Exhibit 4).

The Supreme Court sent me three (s) sets of Rule 12.3 notices, and notices of waiver to file a response, December 14, 2013 after my petition was docketed, with instructions for notifying opposing counsel(s) that the case was docketed. (Exhibit 5).

You have my sympathy for any embarrassment caused by the deception of Mr. Rowland and his accomplices, that caused an inaccurate letter to issue from the Office of the Attorney General falsely implying I did not provide a copy of my petition to Mr. Rowland. (Exhibit 2).

Enclosed you will find my records request to Mr. Rowland intended to correct the record. If and when I get an accurate response back, I will provide you the correct date-stamped petition for inclusion in the record showing it was received by Mr. Rowland December 11, 2012.

Until then you can find Petition No. 12-7747 online at the link below. Thank you. http://nosueorg.blogspot.com/2012/12/petition-for-writ-of-certiorari-to.html

Sincerely,

Neil J. Gillespie 8092 SW 115th Loop

Vill. Tillespie

Ocala, FL 34481

Enclosures

cc: Gov. Rick Scott, via U.P.S. No. 1Z64589FP290544836

cc: Attorney General Pam Bondi, via U.P.S. No. 1Z64589FP294245643

Email to: Gov. Scott, AG Bondi, AAG Esposito, ABA service list; Florida Bar service list; Mr. Anderson, Chair, Thirteenth Circuit JNC; Sixth Circuit Grievance Committee "D", Thirteenth Circuit BOG, David Rowland, K. Christopher Nauman, Sandra Burge.

Governor Rick Scott Office of Governor Rick Scott State of Florida, The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Attorney General Pam Bondi Office of Attorney General State of Florida The Capitol PL-01 Tallahassee, FL 32399-1050

RE: Missing Public Records, <u>Gillespie v. Thirteenth Judicial Circuit</u>, <u>Florida</u>, <u>et al</u>. Petition No. 12-7747 for Writ of Certiorari, Supreme Court of the United States

Dear Governor Scott and Attorney General Bondi:

Please find enclosed copies of Petition No. 12-7747. Unfortunately David Rowland, General Counsel for the Thirteenth Judicial Circuit, Florida, et al., mislead Kenneth V. Wilson, Assistant Attorney General, when Mr. Rowland misrepresented that I did not provide him a copy of Petition No. 12-7747. Enclosed is a copy of my letter (only) to Mr. Wilson of May 16, 2013.

Also enclosed is my public records request (only) to Mr. Rowland, which so far he has not responded to, or acknowledged. In lieu of the date-stamped petition from Mr. Rowland, I have provided separately to each of you a computer copy of Petition No. 12-7747. If Mr. Rowland ever provides the date-stamped petition I requested from him, I will provide you each a copy.

Unfortunately the Attorney General's *Synopsis of Major Issues* in Petition No. 12-7747, found in the enclosed two-page "AG Case #Tampa Monitor", is not factually accurate. I attribute the errors to Mr. Rowland's falsehoods to Ms. Esposito and Mr. Wilson about the petition.

I will respond directly to Ms. Esposito about the *Synopsis of Major Issues* in the AG Case #Tampa Monitor, to accurately inform and correct the record in Petition No. 12-7747.

Thank you for considering this matter affecting Florida's consumers of legal and court services.

Sincerely,

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

Will Tillespie

Enclosures

Cc: Diana R. Esposito, Chief-Assistant Attorney General, 501 East Kennedy Blvd., Suite 1100 Tampa, FL 33602, via <u>U.P.S. No. 1Z64589FP297792743</u>; and email.

Cc email: ABA service list; the Florida Bar service list; Mr. Anderson, Chair, Thirteenth Circuit JNC; Sixth Circuit Grievance Committee "D", Thirteenth Circuit BOG; David Roland, et al.



No. 12A215

Title: Neil J. Gillespie, Applicant

V.

Thirteenth Judicial Circuit, et al.

Docketed: August 31, 2012

Lower Ct: United States Court of Appeals for the Eleventh Circuit

Case Nos.: (12-11028, 12-11213)

Aug 13 2012 Application (12A215) to extend the time to file a petition for a writ of certiorari

from October 11, 2012 to December 10, 2012, submitted to Justice Thomas.

Sep 13 2012 Application (12A215) granted by Justice Thomas extending the time to file until

December 10, 2012.

Attorneys for Petitioner:

Neil J. Gillespie 8092 SW 115th Loop (352) 854-7807

Ocala, FL 34481

Party name: Neil J. Gillespie



EXHIBIT

Appendix C



No. 12-7747

Title: Neil J. Gillespie, Petitioner

V.

Thirteenth Judicial Circuit of Florida, et al.

Docketed: December 14, 2012

Linked with 12A215

Lower Ct: United States Court of Appeals for the Eleventh Circuit

Case Nos.: (12-11028-B) Decision Date: July 13, 2012

Rule 12.4

---Date--- ----Proceedings and Orders-----

Aug 13 2012 Application (12A215) to extend the time to file a petition for a writ of certiorari from October 11, 2012 to December 10, 2012, submitted to Justice Thomas.

Sep 13 2012 Application (12A215) granted by Justice Thomas extending the time to file until December 10, 2012.

Dec 10 2012 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due January 14, 2013)

Dec 20 2012 Waiver of right of respondents Rayan Christopher Rodems; and Barker, Rodems & Cook, P.A. to respond filed.

Jan 24 2013 DISTRIBUTED for Conference of February 15, 2013.

Feb 13 2013 Supplemental brief of petitioner Neil J. Gillespie filed. (Distributed)

Feb 19 2013 Petition DENIED.

Mar 18 2013 Petition for Rehearing filed.

Mar 27 2013 DISTRIBUTED for Conference of April 12, 2013.

Apr 15 2013 Rehearing DENIED.

Attorneys for Petitioner:

Neil J. Gillespie 8092 SW 115th Loop (352) 854-7807

Ocala, FL 34481

neilgillespie@mfi.net

Party name: Neil J. Gillespie

Attorneys for Respondents:

Ryan Christopher Rodems Barker, Rodems & Cook, P.A. (813)-489-1001

Counsel of Record

501 East Kennedy Blvd., Suite 790 Tampa, FL 33602

Party name: Rayan Christopher Rodems; and Barker, Rodems & Cook, P.A.

Sonja Mullerin v John Hayter, et al.,1:12-cv-00190-SPM-GRJ Florida state court alleged to operate as a RICO enterprise District Clerk would not issue summons for Florida judges

Mullerin v Hayter alleges a Florida state court operated as a corrupt RICO enterprise. The Plaintiff alleged a Florida court deprived her of rights under 42 U.S.C. 1983 through a pattern of racketeering activity to benefit a local attorney and law firm that used the court for "asset stripping" - to obtain fraudulent court orders requiring money or property to be transferred from the true owners - persons targeted by the enterprise - to the law firm and its clients. The suit alleges the Alachua County Florida court was not operated in an effective and expeditious manner for which it was created by statute - but as a corrupt RICO enterprise for the private benefit of the law firm and its clients. This case also shows the District Clerk would not issue summons in a lawsuit against Florida judges. A composite of documents is posted on Scribd:

http://www.scribd.com/doc/163229364/Sonja-Mullerin-v-John-Hayter-1-12-Cv-190

Case: <u>Sonja Mullerin v John Hayter, et al.</u>,1:12-cv-00190-SPM-GRJ U.S. District Court, Northern District, Florida - case filed August 20, 2012

<u>Plaintiff</u> - Sonja Mullerin, UF grad student in a landlord-tenant dispute. The Plaintiff was previously an attorney licensed in Colorado but not licensed in Florida.

<u>Defendants</u> -John Hayter, a Florida licensed attorney ID 275141. John F. Hayter, Attorney At Law, P.A., 704 NE 1st St., Gainesville, Florida 3260-15303

Judith Yesha Brill, individual, the landlord, and client of John Hayter.

David Kreider is a judge of the Alachua County Court in his individual capacity. [David Philip Kreider is a member of the judiciary and The Florida Bar, ID 961248]

Denise Ferrero is a judge of the Alachua County Court in her individual capacity. [Denise Rae Ferrero is a member of the judiciary and of The Florida Bar, ID 971944]

Debbie Spivey, individual, and Judge Kreider's judicial assistant.

Doc. 16. First Amended Complaint, Civil RICO, 42 U.S.C. 1983, October 18, 2012.

Doc. 19. Motion for Order Directing Issuance of Summons, October 30, 2012.

Doc. 20. Letter to U.S. Judge Stephan P. Mickle, re summons, November 15, 2012.

<u>Doc. 21</u>. Order, Gary R. Jones, U.S. Magistrate Judge, in part below...January 15, 2013.

"Plaintiff alleges violations of the Racketeering Influenced and Corrupt Organization Act (RICO), 18 U.S.C. §§ 1961-1968 and of her civil rights under 42 U.S.C. § 1983. Plaintiff's claims stem from state civil court proceedings involving a dispute with her landlord. She contends that her landlord and her landlord's attorney violated RICO by using the courts to strip Plaintiff of her assets and that the attorney, three state court judges, and a judicial assistant conspired to obstruct justice and violate Plaintiff's civil rights. The state court proceedings were pending at the time Plaintiff filed her complaint. Plaintiff requests damages, permanent injunctive relief, and attorney's fees...."

Doc. 23. Order, dismissed w/o prejudice, U.S. Magistrate Judge Gary R. Jones, March 4, 2013.



FILED

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA OCALA DIVISION

2011 AUG 30 PM 2: 54
CLERK. US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-cv-503-Oc-10TBS

Plaintiff,

VS.

THIRTEENTH JUDICAL CIRCUIT, FLORIDA, et al.

Defendants.	D	efe	nd	an	ts.
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PLAINTIFF NEIL J. GILLESPIE'S NOTICE OF FILING RULE 22 APPLICATIONS TO UNITED STATES JUSTICE CLARENCE THOMAS

Plaintiff Gillespie notices filing, in support of his Motion To Strike or Set Aside

Mr. Rodems' Notice of Assignment of Claims And Motion for Dismissal of Action With

Prejudice, and Motion To Strike or Set Aside Settlement Agreement and General Mutual

Release (DKT 33), the following Rule 22 Applications to United States Justice Clarence

Thomas, Responses by the Clerk of the United States Supreme Court, emails with David

Rowland, 13th Circuit Court Counsel, and fax to Mr. Rodems:

- 1. Rule 22 Application to United States Justice Clarence Thomas, May 31, 2011, with Exhibits 2-4, 6, 8-10. The following Exhibits were previously filed with this Court and are not included here due to their large size: Exhibit 1, DKT 37; Exhibit 5, DKT 36; Exhibit 11, DKT 2; Exhibit 11, see paragraph 8 below, Exhibit 12, DKT 1. (Exhibit 1)
- 2. Email to David A. Rowland, 13th Circuit Court Counsel, May 31, 2011 (9:51 AM) informing the Court that Gillespie cannot appear without counsel for the contempt hearing June 1, 2011 at 11:00 AM. The email, and read receipts to Mr. Rowland, Pat



Frank, Dale Bohner, and Mark Ware, only are attached. (Exhibit 2)

- 3. Email to David A. Rowland, 13th Circuit Court Counsel, June 1, 2011 (8:50 AM) informing the Court that the Rule 22 Application described in paragraph 1 was filed, and that Gillespie was not attending the June 1, 2011 hearing as set forth therein. (Exhibit 3).
- 4. Email to David A. Rowland, 13th Circuit Court Counsel, June 1, 2011 (9.23 AM) informing the Court that Gillespie faxed to Mr. Rodems the Rule 22 Application described in paragraph 1. (Exhibit 4). A copy of the fax is attached. (Exhibit 5).
- 5. Response from the Clerk of the United States Supreme Court, June 2, 2011, by Danny Bickell, to the Rule 22 Application described in paragraph 1. (Exhibit 6).
- 6. Rule 22 Application to United States Justice Clarence Thomas, June 11, 2011, with Exhibits 1-5, 8. The following Exhibits were previously filed with this Court and are not included here due to their large size: Exhibit 6, DKT 37; Exhibit 7, see paragraph 8 below; Exhibit 9, DKT 2; Exhibit 10, DKT 1. (Exhibit 7)
- 7. Response from the Clerk of the United States Supreme Court, June 15, 2011, by Clayton R. Higgins, to the Rule 22 Application described in paragraph 1. (Exhibit 8).
- 8. Emergency Petition For Writ of Habeas Corpus/Prohibition, The Supreme Court of Florida, Case No. SC11-858. (Exhibit 9)

RESPECTFULLY SUBMITTED August 30, 2011.

Neil J. Gillespie, Plaintiff projec

8092 SW 115" Loop Ocala, Florida 34481

(352) 854-7807

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was emailed August 30, 2011 to Catherine Barbara Chapman, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer. A CD copy was mailed by US Postal Service to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. No other party was served.

Neil J. Gilles

FILED

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA OCALA DIVISION

2012 JAN 10 PM 3: 45
CLERK. US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-cv-503-Oc-10TBS

Plaintiff,

vs.

THIRTEENTH JUDICAL CIRCUIT, FLORIDA, et al.

Defendants.	

NOTICE OF FILING COPY, AFFIDAVIT OF NEIL J. GILLESPIE

re: Representation by attorney Eugene P. Castagliuolo, FL Bar ID no. 104360

Plaintiff Gillespie notices the filing of a copy of Affidavit of Neil J. Gillespie,

January 6, 2012, Representation by attorney Eugene P. Castagliuolo, FL Bar ID no.

104360, in opposition to Notice of Assignment of Claims And Motion for Dismissal of

Action With Prejudice (Docket 32), and in support of Plaintiff's Unopposed Motion For

Leave To Submit Addendum To Plaintiff's Response to Order To Show Cause (Docket

60). The original Affidavit of Neil J. Gillespie was submitted as Appendix 7 in Petition

For Writ of Mandamus, Supreme Court of Florida, Case No. SC11-1622.

RESPECTFULLY SUBMITTED January 10, 2012

Men J. Gillespie, Plaintiff pro se

8092 SW 115th Loop Ocala, Florida 34481 (352) 854-7807



Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed January 10, 2012 to Catherine Chapman, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer, and to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. No other party was served.

Weil J. Gillespie

2012 JAN 10 PM 3: 45

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA OCALA DIVISION

CLERK. US DISTRICT COURT MIDDLE DISTRICT OF FL OCALA FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-cv-503-Oc-10TBS

Plaintiff,

vs.

THIRTEENTH JUDICAL CIRCUIT, FLORIDA, et al.

Defend	lants.	

NOTICE OF FILING COPY, PETITION FOR WRIT OF MANDAMUS SUPREME COURT OF FLORIDA, CASE NO. SC11-1622

Plaintiff Gillespie notices the filing of a copy of <u>Petition For Writ of Mandamus</u>, Supreme Court of Florida, Case No. SC11-1622, in <u>opposition</u> to *Notice of Assignment of Claims And Motion for Dismissal of Action With Prejudice* (Docket 32), and in <u>support</u> of *Plaintiff's Unopposed Motion For Leave To Submit Addendum To Plaintiff's Response to Order To Show Cause* (Docket 60).

- 1. Petition For Writ of Mandamus, Supreme Court of Florida, Case No. SC11-1622.
- 2. CD with Appendixes 1-16, 20 volumes, for the Petition, in PDF.
- 3. Certificate of Service, January 10, 2012, for the Petition.

RESPECTFULLY SUBMITTED January 10, 2012.

Neil J. Gillespie, Plaintiff pro se

8092 SW 115th Loop Ocala, Florida 34481 (352) 854-7807

Appendix G

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed January 10, 2012 to Catherine Chapman, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer, and to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. No other party was served.

Meil J. Gillespie