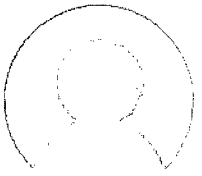
INDEX TO APPENDIX

*Pursuant to Fed. R. Evid. 201 and Fla. Stat. § 90.201, the Court takes judicial notice of relevant public records; of undisputed matters of public record; of filings in another proceeding. **See Spirit of Mandela International Tribunal** (www.spiritofmandela.org) and United Nations International Tribunal 2021** (www.tribunal2021.com) – International Tribunal Renders Verdict Finding United States Guilty of Genocide and Crimes Against Humanity. The International Tribunal on Human Rights Abuses Against Black, Brown and Indigenous Peoples was held Oct. 23-25, 2021. **The jurists unanimously found the United States guilty of the following five counts** (which attorney Nkechi Taifa explained fit well within the internationally-accepted definition of genocide): **(I) Police violence and killings; (II) Mass incarceration; (III) Political Prisoners and Prisoners of War; (IV) Environmental racism; (V) Public health inequities.** The verdict was read aloud before the United Nations. **Signed, October 25, 2021, Panel of Jurists, Church Center of the United Nations.**

EXHIBIT A – International Tribunal Renders Verdict Finding United States Guilty of a Variety of Human Rights Abuses Including Genocide and Crimes Against Humanity (Spirit of Mandela International Tribunal www.spiritofmandela.org United Nations International Tribunal 2021 www.tribunal2021.com), Pgs. 1-15 [15 pages];



Panel of International Jurists Render Verdict that U.S. is Guilty of Genocide

—

Tribunal Charges Human Rights Abuses Against Black, Brown and Indigenous People Residing in the U.S.

By: The Taifa Group LLC,

WASHINGTON – Oct. 27, 2021 – *PRLog* — A distinguished panel of international jurists found the United States guilty of a variety of human rights abuses, including genocide, in the wake of an historic tribunal comprised of hundreds of human rights activists who gathered in-person in New York and worldwide on Zoom the weekend of October 22-25 for the "We Still Charge Genocide: The Spirit of Mandela International Tribunal 2021 on Human Rights Abuses Against Black Brown and Indigenous Peoples."

The convening was one of this century's most significant events on the issue since the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa and the 1990 Special International Tribunal on Human Rights Violations of Political Prisoners and Prisoners of War, also held in New York City. The current proceeding was held at the Malcolm X & Dr. Betty Shabazz Memorial and Educational Center, the former site of the Audubon Ballroom, where Black human rights leader Malcolm X was assassinated in 1965, after calling for the U.S. to be brought before the World Court.

The evidence will prove that the treatment of Black, Brown and Indigenous people, historically as well as currently, "amount to genocide," declared Nkechi Taifa, author, activist and internationally acclaimed human rights attorney who prosecuted the case as the tribunal's Chief People's Counsel.

In the tribunal's opening statement, she outlined how its convening "comes on the heels" of not only the 1990 event, but also the January-February 2021 International Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the United States, the 1992 International Tribunal of Indigenous Peoples and Oppressed Nations in the USA and the 1979 international jurists' report of their visit with U.N. human rights petitioners from America.

"This tribunal stands on the shoulders of El-Hajj Malik El-Shabazz (Malcolm X), whose models were land, self-determination, self-defense and internationalization ...His DNA still manifests (here) as we gather to continue to honor his sacrifice and carry on the tradition of his work," Taifa declared to cheers and applause.

Taifa led a powerful team of seasoned attorneys and students of law who directed the testimonies from more than 20 impacted victims, expert witnesses, and professionals with firsthand knowledge and/or data raised in the five counts of the tribunal's indictment.

The event, which consisted of two full days of testimonies and concluded with the international jurists' verdict read aloud in front of the United Nations, was held amid increased attention on the study of reparations for Blacks in municipalities across America, and that issue was one highlighted as part of the Chief People's Lawyer's riveting closing statement.

The nine-member, internationally-chosen panel of jurists included Magdalene Moonsamy (South Africa), former member of the South African parliament; Wilma E. Reveron Collazo (Puerto Rico), long-standing member and leader, Colegio de Abogados de Puerto Rico (Puerto Rican Bar Association); Binalakshmi Nepram (India/Manipur), Founder-Director of Global Alliance; Mireille Fanon Mendes-France (France), former Chair of the UN Working Group on People of African Descent; Sherly Fabre (Haiti/USA), International Fellowship of Reconciliation United Nations Representative; Dr. Vickie Casanova-Willis (USA) former Executive Director US Human Rights Network; Kassahun Checole (Eritrea/USA) renowned Pan Africanist and Pan American scholar; Dr. Alexander Hinto (USA), Director of Center for Study of Genocide and Human Rights, Rutgers University); and Chairman Brian Moskwetah Weeden, chairman of the Mashpee Wampanoag Tribe.

The jurists unanimously found the United States guilty of the following five counts, which attorney Taifa explained fit well within the internationally-accepted definition of genocide:

- Police violence and killings
- Mass incarceration;
- Political Prisoners and Prisoners of War;
- Environmental racism;
- Public health inequities

The convening, which featured flute music from current political prisoner Veronza Leon Bowers, Jr (https://www.veronza.org/). was in the tradition of the 1951 "We Charge Genocide" petition submitted to the U.N. by Paul Robeson and William Patterson, representing the Civil Rights Congress (https://www.zinnedproject.org/news/tdih/we_charge_genocide_petition) and the role of activists fighting within and outside the U.N. for the freedom of African National Congress deputy president Nelson Mandela from the 1960s until the late 1980s.

The Spirt of Mandela coordinating committee, which organized the tribunal, stated it will use the outcome as an opportunity to organize on a mass level across many social justice arenas.

Filed Under: News

Spirit of Mandela Campaign - spiritofmandela1@gmail.com

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GUILTY on All Counts!

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After hearing from over 30 witnesses and receiving hundreds of documents, the Panel of Jurists found the US government and its subdivisions GUILTY of Genocide and Gross Human Rights Violations. The Executive Summary Verdict which follows is their preliminary report, with a detailed and cited ruling to appear in the near future.

International Tribunal on Human Rights Abuses

Against Black, Brown, and Indigenous Peoples

New York, NY, Turtle Island, Lenape Land, USA

EXECUTIVE SUMMARY VERDICT

in the case of

BLACK, BROWN AND INDIGENOUS PEOPLES

Charging Human Rights Abuses and Genocide

Against the United States of America

As represented by its President, Department of State,

federal and state policing agencies, and other governmental institutions

As collected in evidence at the

2021 International Tribunal on US Human Rights Abuses

Against Black, Brown and Indigenous Peoples

EXECUTIVE SUMMARY VERDICT

Introduction: The Context of Our Work and Why We are Here

The fact that the United States has committed an array of human rights abuses against Black, Brown, and Indigenous Peoples should be as uncontroversial as it is incontrovertible. There is widespread agreement that settler colonialists committed genocide and other crimes against the Indigenous populations while taking their lands. No one would disagree that enslaved Africans were forced to work the settler colonial lands for hundreds of years in subhuman conditions.

The historical record tells the story of additional human rights abuses committed against Mexicans and other groups as the US expanded West and colonized countries like Puerto Rico. No one doubts that Japanese were forced into concentration camps during World War II or that Blacks were lynched and brutalized during Jim Crow. The current President of the United States

acknowledges these crimes. His Secretary of State recently confirmed this while stating, "great nations such as ours do not hide from our shortcomings; they strive to improve with transparency."

If laudable, such sentiments ring hollow unless met by action. The Spirit of Mandela Coalition petitioned for the creation of this Tribunal because they believe that not only are US human rights abuse "shortcomings" not being fully acknowledged, but that the US has sought to bury a number of these crimes. The Coalition enlisted a prosecutor, Nkechi Taifa, to argue their case. Their indictment on behalf of Black, Brown, and Indigenous Peoples in the US charges the U.S. government and its state and local political subdivisions with crimes committed in five areas: police racism and violence, mass incarceration, political prisoners/prisoners of war, environmental racism, public health inequalities. Further, they argue that the US has committed genocide.

In 2021, the International Tribunal on US Human Rights Abuses against Black, Brown, and Indigenous Peoples convened as an independent body to hear the case. We did so as a quasi-legal body in the tradition of People's Tribunals dating back to the Russell Tribunal and Permanent People's Tribunal, among others. While evaluating the charges in terms of international and domestic human rights law and practice, we also recognize that such legal structures have limitations that can reinforce racism and deny voice and redress to Black, Brown, and Indigenous peoples as the prosecution in this case alleges.

To assess the merits of the case, the Tribunal convened from October 23-25, 2021. Over the course of two days, the Jurists heard eighteen attorneys and students of law solicit evidence from thirty witnesses from across the US.

Background

The Panel of Jurists heard testimony emphasizing the millions upon millions of Indigenous and African peoples murdered, disappeared, and nearly exterminated over a period from 1492 through the present. Further the witnesses and prosecution argued that the wrongs have been historic and deliberate, with colonization, racism, militarism, imperialism, materialism, criminalization, patriarchy, neocolonialism, and internal colonialism as part of the larger process that now manifests itself in medical and digital apartheid, chemical warfare, environmental violence and racism, divestment, and a pandemic of accessible guns and drugs – with the majority of gun violence perpetrated by police and security forces in the false claim of upholding law and order. Statements were made testifying to new forms of colonialism which include the Prison Industrial Complex, the Military Industrial Complex, and the commercialization of our health and privatization/commodification of all social services.

The testimonies include substantial evidence of the erasure of histories; distortion and cultural misappropriation contributes to and exacerbates the attempted invisibilization and denial of People's basic humanity. The profound impacts of all of these realities extend beyond the erasure and attempt to exterminate Black, Brown and Indigenous lives. Hence, as one witness stated, "the colonization of the spirit and mind continues to this day."

The testimonies of this Tribunal reaffirm the traditional wisdom and knowledge of Black, Brown, and Indigenous Peoples. Strong evidence was presented on the indomitable, unbreakable resistance and resilience of the peoples' struggle for justice and dignity. In the face of egregious human rights violations and crimes against humanity, this spirit of collective survival shone through.

The 2021 International Tribunal on US Human Rights Abuses Against Black, Brown and Indigenous Peoples was initiated by a US coalition, In the Spirit of Mandela. Its own recognized legacy, based on efforts dating from the 1951 "We Charge

Genocide" petition to the present, rests on the idea that any examination of US human rights must be done in an international context. The Panel of Jurists came together as an independent body made up of legal scholars, human rights advocates and activists, and community leaders. Utilizing the International Criminal Law on Genocide and other instruments, the Panel convened to hear and review the testimony organized by Spirit of Mandela Legal Team. The Accused, though informed, did not respond to the charges and indictment against them, nor did they appear as invited to present a defense.

Proceedings

The following is a summarized and preliminary presentation of the testimony.

Police Killings

Testimony was heard regarding an alarming pattern and practice of police murdering Black, Brown, and Indigenous people with impunity. We were informed that a recent Commission of Inquiry found that "Black people are 3.5 times more likely than white people to be killed by police when Blacks are not attacking or do not have a weapon." Disaggregated data for other Peoples is lacking.

Mass Incarceration

Testimony emphasized that in the case of US Constitutional law, while the 13th Amendment promised the abolition of the process of chattel slavery, it in fact created an exception incentivizing the incarceration of people of African descent and other peoples. Further they argued that a school-to-prison pipeline has been set in motion by the racialized policies and programs of the US federal and state governments. One testimonial noted, "the law is used as a weapon of war" against Black, Brown and Indigenous Peoples. Further testimony indicates that there are

US policies of wars on poverty, wars on drugs, wars on terror, and others – amounting to a war on Black, Brown, and Indigenous Peoples as they disproportionately criminalize their youth and communities.

Political Prisoners/Prisoners of War

Arguments were made presenting the criminalization of legitimate political struggles, most particularly of Black, Brown and Indigenous Peoples. One witness testified that it is like a "Counter-Intelligence Program on steroids." Several witnesses testified that with regard to traditional torture techniques, there is ample evidence of solitary confinement lasting for decades, which go so far beyond the UN constituted definitions of torture that they defy any modern standard of humane government. Further testimony was presented arguing that decades-long sentences have been imposed for those imprisoned for their political beliefs. One witness stated, "the US is the only industrialized nation in the world that denies the existence of political prisoners."

Environmental Racism

Testimony was received arguing the impact of environmental violence. They asserted that the climate crisis disproportionately impacts Black, Brown and Indigenous Peoples, constituting environmental violence. The Prosecution contended that there is a deliberate and callous poisoning of land, water, air, and soil, reflecting the valuing of profits over peoples which threatens the survival of the planet and impacts most devastatingly the lives of Black, Brown and Indigenous peoples.

Public Health Inequities

The testimony highlighted deep public health inequities including both physical and mental health manifestations. Further assertions were made that the COVID-19 pandemic and an "inadequate and incompetent Federal response to this crisis" magnified the disparate impact of structural racism affecting access to health care. Moreover, testimony was heard regarding indifference to the suffering of groups of people considered expendable due to the profit model of US health care, leaving behind those most vulnerable. The Prosecution argued that, from forced sterilization to "food deserts" and chemical contamination, from toxic stress based on the environment in which one lives to the criminalization of mental illness, Black, Brown, and Indigenous people are neglected and left out of any illusion of the human right to health.

While these crimes are well-documented, they have more rarely been acknowledged, remedied and addressed with some very distant from public knowledge.

Judgement

Despite the need for further deliberation on the extensive submissions and documents from varied expert witnesses, a deep analysis from the Jurists found that the process did sufficiently cover the scope and elements of all five counts in the indictment as having legal standing and hence legitimacy.

The Jurists further establish that the grounds for each of the five counts in the indictment presented the basis for successful intervention due to the extensive testimonies of both witnesses and expert witnesses.

A full and detailed judgement will follow regarding our findings on these counts. Any minority position of the Jurists will be developed, with collective consensus on

each count asserted to further advance our recommendations for remediation, reparations, and future actions.

After having heard the testimony of numerous victims of Police Racism, Mass Incarceration, Environmental Racism, Public Health Inequities and of Political Prisoners/Prisoners of War, together with the expert testimonies and graphic presentations, as well as the copious documentation submitted and admitted in the record, the Panel of Jurists find the US and its subdivisions GUILTY of all five counts. We find grounds that Acts of Genocide have been committed.

Signed, 25 October 2021, Panel of Jurists

Church Center of the United Nations

Chief: Her Honorable Magdalene Moonsamy (South Africa), former Member of Parliament (ANC); Deputy Chair of the African Peer Review Mechanism, an instrument of the African Union; attorney-director of the Women's Justice Foundation; Admitted Attorney of the South African High Court; lecturer of the Law Society of South Africa's Legal Education and Development (LEAD) school

Deputy Chief: Wilma E. Reveron Collazo (Puerto Rico), long-standing member and leader, Colegio de Abogados de Puerto Rico (Puerto Rican Bar Association); former Executive Director of the Puerto Rico Center for Research assigned to the United Nations Office of Information on the Right to Self Determination; former Senior Staff Attorney, American Civil Liberties Union

Dr. Vickie Casanova-Willis (USA), Executive Director, US Human Rights Network; past president, National Conference of Black Lawyers (NCBL); founding member of Black People Against Police Torture; Co-organizer of the UN Working Group of Experts on People of African Descent and Working Group on Arbitrary Detention

(US Visits); co-author of multiple historic policy-shaping reports including the first UN Universal Periodic Review raising the issue of US Political Prisoners and COINTELPRO

Kassahun Checole (Eritrea/USA), CEO and publisher, Africa World/Red Sea Press; renowned Pan Africanist and Pan American scholar; lifetime advisor of the Association of Concerned African Scholars and the African Studies Association

Sherly Fabre (Haiti/USA), International Fellowship of Reconciliation United Nations Representative; member, Muslim Peace Fellowship/Community of Living Traditions; co-founder, Proyecto Faro

Professor Mireille Fanon Mendès-France (France), former Chair of the United Nations Working Group on People of African Descent; former Commissioner of the 2020 International Commission on Inquiry (Systemic Racist Police Violence against US People of African Descent); Judge of Permanent Peoples Tribunal; Co-Chair of the Frantz Fanon Foundation

Dr. Alexander Hinton (USA), Director of the Center for the Study of Genocide and Human Rights, Rutgers University; UNESCO Chair on Genocide Prevention; Distinguished Professor of Anthropology

Chairman Brian Moskwetah Weeden (Mashpee Wampanoag), Chairman of the Mashpee Wampanoag Tribe; Bear Heart from Eel Clan; Co-President/Trustee of the United National Indian Tribal Youth (UNITY); Co-Vice President of the National Congress of American Indians (NCAI) Youth Commission

Binalakshmi "Bina" Nepram (Manipur/Northeast India), Founder-Director, Manipur Women Gun Survivors Network; Founder-Director, Global Alliance of Indigenous

Peoples, Gender Justice and Peace; Board member of the International Peace Bureau (1910 Nobel Peace Laureate)

Special Advisor to the Panel of Jurists: Matt Meyer, Secretary-General, International Peace Research Association

Filed Under: News

EXHIBIT B – Convention on the Prevention and Punishment of the Crime of Genocide (102 Stat. 3045, Dec. 9, 1948, U.N.T.S. 278), Pgs. 1-4, [4 Pages];

Convention on the Prevention and Punishment of the Crime of Genocide

Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948
Entry into force: 12 January 1951, in accordance with article XIII

The Contracting Parties ,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided :

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

(a) Signatures, ratifications and accessions received in accordance with article XI;

(b) Notifications received in accordance with article XII;

(c) The date upon which the present Convention comes into force in accordance with article XIII;

(d) Denunciations received in accordance with article XIV;

(e) The abrogation of the Convention in accordance with article XV;

(f) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

EXHIBIT C – Genocide Convention Implementation Act of 1987 at 18 U.S.C. § 1091 *et seq.*, Pgs. 1-7, [7 pages]; and

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

United States Code Annotated
Title 18. **Crimes** and Criminal Procedure (Refs & Annos)
Part I. **Crimes** (Refs & Annos)
Chapter 50A. **Genocide**

18 U.S.C.A. § 1091

§ 1091. **Genocide**

Effective: December 22, 2009
Currentness

(a) Basic Offense.--Whoever, whether in time of peace or in time of war and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such--

(1) kills members of that group;

(2) causes serious bodily injury to members of that group;

(3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;

(4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;

(5) imposes measures intended to **prevent** births within the group; or

(6) transfers by force children of the group to another group;

shall be **punished** as provided in subsection (b).

(b) Punishment for Basic Offense.--The **punishment** for an offense under subsection (a) is--

(1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both; and

(2) a fine of not more than $1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) Incitement Offense.--Whoever directly and publicly incites another to violate subsection (a) shall be fined not more than $500,000 or imprisoned not more than five years, or both.

(d) Attempt and Conspiracy.--Any person who attempts or conspires to commit an offense under this section shall be **punished** in the same manner as a person who completes the offense.

(e) Jurisdiction.--There is jurisdiction over the offenses described in subsections (a), (c), and (d) if--

(1) the offense is committed in whole or in part within the United States; or

(2) regardless of where the offense is committed, the alleged offender is--

(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

(C) a stateless person whose habitual residence is in the United States; or

(D) present in the United States.

(f) Nonapplicability of Certain Limitations.--Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.

CREDIT(S)

(Added Pub.L. 100-606, § 2(a), Nov. 4, 1988, 102 Stat. 3045; amended Pub.L. 103-322, Title VI, § 60003(a)(13), Sept. 13, 1994, 108 Stat. 1970; Pub.L. 107-273, Div. B, Title IV, § 4002(a)(4), (b)(7), Nov. 2, 2002, 116 Stat. 1806, 1808; Pub.L. 110-151, § 2, Dec. 21, 2007, 121 Stat. 1821; Pub.L. 111-122, § 3(a), Dec. 22, 2009, 123 Stat. 3481.)

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL NOTES

Revision Notes and Legislative Reports

1988 Acts. Senate Report No. 100-333, see 1988 U.S. Code Cong. and Adm. News, p. 4156.

1994 Acts. House Report No. 103-324, House Report No. 103-489, and House Conference Report No. 103-711, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2002 Acts. House Conference Report No. 107-685 and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

References in Text

Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101), referred to in subsec. (e)(2), is section 101 of Act June 27, 1952, c. 477, Title I, 66 Stat. 166, as amended, which is classified to 8 U.S.C.A. § 1101.

Amendments

2009 Amendments. Subsec. (a). Pub.L. 111-122, § 3(a)(1)(A), in the matter preceding par. (1), struck out ", in a circumstance described in subsection (d)" following "in time of war".

Pub.L. 111-122, § 3(a)(1)(B), in the matter following par. (6), struck out "or attempts to do so," preceding "shall be **punished**".

Subsec. (c). Pub.L. 111-122, § 3(a)(2), struck out "in a circumstance described in subsection (d)" following "Whoever".

Subsec. (d). Pub.L. 111-122, § 3(a)(3), (4), rewrote subsec. (d), which formerly read:

"**(d) Required circumstance for offenses.**--The circumstance referred to in subsections (a) and (c) is that--

"**(1)** the offense is committed in whole or in part within the United States;

"**(2)** the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"**(3)** the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"**(4)** the alleged offender is a stateless person whose habitual residence is in the United States; or

"**(5)** after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States."

Subsec. (e). Pub.L. 111-122, § 3(a)(3), (4), rewrote subsec. (e), which formerly read: "**(e) Nonapplicability of certain limitations.**--Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation."

Subsec. (f). Pub.L. 111-122, § 3(a)(4), added subsec. (f).

2007 Amendments. Subsec. (d). Pub.L. 110-151, § 2, rewrote subsec. (d), which formerly read:

"**(d) Required circumstance for offenses.**--The circumstance referred to in subsections (a) and (c) is that--

"**(1)** the offense is committed within the United States; or

"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101))."

2002 Amendments. Subsec. (b)(1). Pub.L. 107-273, § 4002(a)(4), substituted "$1,000,000 and imprisonment" for "$1,000,000 or imprisonment", in the directory language of section 60003(a)(13) of Pub.L. 103-322, which required no change in text.

Pub.L. 107-273, § 4002(b)(7), in subsec. (b)(1), substituted "subsection (a)(1)" for "subsection (a)(1),".

1994 Amendments. Subsec. (b)(1). Pub.L. 103-322, § 60003(a)(13), substituted ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both" for "a fine of not more than $1,000,000 or imprisonment for life,".

Effective and Applicability Provisions

2002 Acts. Pub.L. 107-273, Div. B, Title IV, § 4002(a)(4), Nov. 2, 2002, 116 Stat. 1806, provided that the amendment is effective Sept. 13, 1994, which is the date of enactment of Pub.L. 103-322, to which such amendment relates.

Short Title

1988 Acts. Pub.L. 100-606, § 1, Nov. 4, 1988, 102 Stat. 3045, provided that: "This Act [enacting this chapter] may be cited as the '**Genocide Convention** Implementation Act of 1987 (the Proxmire Act)'."

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 13729

<May 18, 2016, 81 F.R. 32611 >

A Comprehensive Approach to Atrocity Prevention and Response

For Executive Order No. 13729 of May 18, 2016, relating to continuation of an interagency Atrocities **Prevention** Board and coordination of Federal policies and processes regarding **prevention** of mass atrocities and **genocide**, see Ex. Ord. No. 13729, May 18, 2016, 81 F.R. 32611, set out as a note under 50 U.S.C.A. § 3021.

RESEARCH REFERENCES

ALR Library

83 American Law Reports, Federal 2nd Series 219, Construction and Application of 8 U.S.C.A. §§ 1182(A)(3)(E)(II), (III) and 1227(A)(4)(D), Providing for Inadmissibility and Removal of Alien Based on Participation in **Genocide** or the Commission of Any Act of Torture or Extrajudicial Killing.
11 American Law Reports International 793, Construction and Application of **Convention** on the **Prevention** and **Punishment** of the **Crime** of **Genocide**, Dec. 9, 1948, 78 U.N.T.S. 277, and as Implemented in International Law--Global Cases.

Encyclopedias

3B Am. Jur. 2d Aliens and Citizens § 1399, **Genocide**, Torture, or Killing.
3B Am. Jur. 2d Aliens and Citizens § 1547, Participation in Nazi Persecution, **Genocide**, Torture, or Extrajudicial Killing.

Treatises and Practice Aids

Immigration Law and **Crimes** § 3:19, Other Grounds of Inadmissibility.
Immigration Law and **Crimes** § 3:20, Other Grounds of Removal.

Relevant Notes of Decisions (1)
View all 1
Notes of Decisions listed below contain your search terms.

Construction with other laws

Genocide Convention Implementation Act did not apply to invalidate Navajo-Hopi Land Settlement Act and programs implementing that Act. Manybeads v. U.S., D.Ariz.1989, 730 F.Supp. 1515, affirmed 209 F.3d 1164. Indians 151; International Law 299

18 U.S.C.A. § 1091, 18 USCA § 1091
Current through P.L. 117-80.

End of Document

United States Code Annotated
Title 18. **Crimes** and Criminal Procedure (Refs & Annos)
Part I. **Crimes** (Refs & Annos)
Chapter 50A. **Genocide**

18 U.S.C.A. § 1093

§ 1093. Definitions

Currentness

As used in this chapter--

(1) the term "children" means the plural and means individuals who have not attained the age of eighteen years;

(2) the term "ethnic group" means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term "incites" means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term "members" means the plural;

(5) the term "national group" means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term "racial group" means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term "religious group" means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term "substantial part" means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

CREDIT(S)

(Added Pub.L. 100-606, § 2(a), Nov. 4, 1988, 102 Stat. 3046.)

Relevant Additional Resources

Additional Resources listed below contain your search terms.

RESEARCH REFERENCES

ALR Library

11 American Law Reports International 793, Construction and Application of **Convention** on the **Prevention** and **Punishment** of the **Crime** of **Genocide**, Dec. 9, 1948, 78 U.N.T.S. 277, and as Implemented in International Law--Global Cases.

18 U.S.C.A. § 1093, 18 USCA § 1093
Current through P.L. 117-80.

End of Document

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EXHIBIT D – Order and Injunction, S.Ct. No. 18-9138, Pgs. 1-17, [M.D.Fla. 3:17-cv-00881-TJC], "official Federal policy" of Genocide and retaliation*. [17 pages]

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TAQUAN RAHSHE GULLETT-EL
and SYTERIA HEPHZIBAH-EL,

Plaintiffs,

v. Case No. 3:17-cv-881-J-32JBT

TIMOTHY J. CORRIGAN, et al.,

Defendants.

ORDER AND INJUNCTION

Taquan Rahshe Gullett-El and his mother, Syteria Hephzibah-El, are no strangers to this Court. Each has repeatedly filed complaints stemming from their criminal arrests and prosecutions that multiple judges of this Court and others have determined are patently frivolous and vexatious. Each time a case is dismissed, anyone involved with the dismissed case, including the judge, is named as a defendant in the next filing. Plaintiffs' pattern of abusive and disruptive litigation must be curtailed.

Before the Court is a document entitled "Universal and International Humanitarian Declaration for Common Law Prejudgment Writ of Personal Replevin" (the "Complaint"), which was originally filed in state court and removed to this Court by the United States. (Docs. 1, 2.) The Complaint names

as defendants 182 federal, state, and local agencies, their employees, and judges, including the undersigned, and other private persons and entities.[1] The United States moves to dismiss this case with prejudice and seeks an injunction preventing Plaintiffs from initiating any lawsuit or other action against a judicial or federal officer or employee in any state or federal court without first obtaining leave of that court. Plaintiffs failed to show cause as to why the relief sought by the government should not be granted. See Doc. 6 (Order to Show Cause).

Plaintiffs have filed numerous cases in multiple state and federal courts, and judges of this Court have repeatedly found Plaintiffs' filings to be wholly and patently frivolous and dismissed them with prejudice. In brief summary, Hephzibah-El was indicted in the United States District Court for the Middle

[1] Although named as a Defendant, the undersigned need not recuse himself because the suit is patently frivolous and, with each recusal, the judge to whom the case is reassigned then becomes a target of Plaintiffs' vindictiveness which culminates with that judge being named as a defendant in their next frivolous and retaliatory lawsuit. See Cuyler v. Presnell, Case No. 6:11-cv-623-Orl-22DAB (M.D. Fla. July 8, 2011) (Doc. 9 at 2 ¶ 2) ("Ordinarily, the undersigned judge would have recused herself from this case based on the fact that another judge of the court is named as a defendant herein and these Plaintiffs have sued the undersigned judge in another case. However, because Plaintiffs sue every district judge who rules against them, recusal now would merely shift the case to yet another judge whom the Plaintiffs would then sue.") Because the undersigned has dismissed a number of actions filed by Plaintiffs as frivolous, Plaintiffs have now named me as a defendant in this frivolous action.

District of Florida for attempting to obtain a passport by fraud. See United States v. Hephzibah, Case No. 3:15-cr-16-J-34MCR (M.D. Fla.). The case was assigned to United States District Judge Marcia Morales Howard and United States Magistrate Judge Monte C. Richardson. The warrant for her arrest was signed by United States Magistrate Judge Patricia D. Barksdale and executed by a Special Agent for the United States Department of State. Following a jury trial, Hephzibah-El was found guilty and eventually sentenced by Judge Howard to time served. Even before her criminal trial, Hephzibah-El filed a civil suit against Judges Howard, Richardson, and Barksdale; the Special Agent who executed the warrant; the United States Attorney for the Middle District of Florida; two Assistant United States Attorneys ("AUSAs"); an Assistant Federal Public Defender; two Pretrial Services Officers; and the Clerk of Court for the Middle District of Florida. See Hephzibah v. De Leon, Case No. 3:16-cv-248-J-32MCR (M.D. Fla.). The suit alleged that Hephzibah's constitutional rights were violated in connection with her 2015 arrest, and sought money damages and an order enjoining her criminal trial. See id. The undersigned dismissed the case for lack of subject matter jurisdiction, finding it "patently frivolous." Id. at Doc. 5, n.1.

Hephzibah-El then filed a "Petition to Transfer to Cure Want of Jurisdiction" in an attempt to have her civil case transferred to the United

States Court of Federal Claims, a "Notice of Directly Related Cases," a "Notice of Indirectly Related Cases," a "Petition for Review of Administrative Action" and an amended petition, which appeared to seek review of the dismissal before the Court of Federal Claims and/or the United States Court of Appeals for the Federal Circuit, notices of appeal, an application to proceed in forma pauperis in the Court of Federal Claims, financial status affidavits, and an amended motion for temporary restraining order and preliminary injunction, again in an attempt to enjoin her federal criminal proceedings. See id. at Docs. 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 21. The Court determined that Hephzibah's case was frivolous and the motions were denied.

Thereafter, on March 24, 2016, after the civil suit was dismissed but before the conclusion of her criminal proceedings, Hephzibah-El filed a complaint in the Court of Federal Claims requesting review of this Court's dismissal of her civil suit and again seeking monetary damages for alleged violations of her constitutional rights and to enjoin her criminal trial. See Hephzibah-El v. United States, Case No. 1:16-cv-402-VJW (Ct. Fed. Cl.). Her complaint was dismissed by the Court of Federal Claims for lack of subject matter jurisdiction, and the Court of Appeals for the Federal Circuit affirmed. See Hephzibah-El v. United States, Case No. 2016-2718, 676 F. App'x 1011, 1012, 2017 WL 563159, at *1 (Fed. Cir. Feb. 13, 2017).

On December 16, 2016, Hephzibah-El filed another complaint against Judges Howard, Richardson, and Barksdale; the United States Attorney for the Middle District of Florida; the two previously named AUSAs and two additional AUSAs; the previously named Special Agent; the Federal Public Defender for the Middle District of Florida; the previously named Assistant Federal Public Defender; the two previously named Pretrial Services Officers; a Probation Officer; the United States Marshals Service; United States Probation and Pretrial Services; the United States Attorney's Office; the United States; and two court-appointed attorneys. See Hephzibah v. Howard, Case No. 3:16-mc-62-J-32JBT (M.D. Fla.) at Doc. 1. Then, she filed what this Court called a "multitude of documents . . . most of which are completely nonsensical." See id. at Doc. 21, at 1. On January 5, 2017, the Court dismissed the case for lack of subject matter jurisdiction upon concluding that it had no jurisdiction to consider any of the matters raised in the filings and again determining the suit was "patently frivolous." Id. at 2 n.1.

On April 3, 2017, Hephzibah-El filed an action in state court that named the same federal officers and employees and included additional defendants. The United States and its agencies that were named as defendants removed the case to federal court, where Judge Adams (now named as a defendant here) dismissed it with prejudice as "wholly frivolous and vexatious in nature." See

Hephzibah-El v. Anderson, Case No. 3:17-cv-440-J-25JRK (M.D. Fla.) (Doc. 8) at 2. Although the United States requested an injunction preventing Hephzibah-El from filing additional frivolous lawsuits, the Court "decline[d] to consider a *Procup* injunction" at that time but noted it would "consider further action if [she] continues with her baseless filings." Id. at 3.

Hepzibah-El's son, Taquan Rahshe Gullett-El, was indicted in December 2014 in the United States District Court for the Central District of California for making false and fictitious claims against the United States and retaliating against a federal law enforcement officer by making a false claim against him or slandering his title. See United States v. Gullett, Case No. 2:14-cr-725-CAS-1 (C.D. Cal.). He was arrested in Jacksonville, Florida on February 12, 2015, pursuant to a warrant issued by the Central District of California. See United States v. Gullett, Case No. 3:15-mj-1020-J-PDB (M.D. Fla.). Gullett-El was found guilty following a jury trial and sentenced to 77 months' imprisonment.

Before his California criminal trial, Gullett-El filed a civil suit in this Court alleging that his constitutional rights were violated during his arrest and seeking monetary damages and an order enjoining his trial. See Gullett-El v. Brown, Case No. 3:16-cv-249-J-32MCR (M.D. Fla.). Named as defendants in that suit were Judge Barksdale of this Court and Judges Jacqueline Chooljian and Christina Snyder of the Central District of California; an AUSA of the

Middle District of Florida and two AUSAs of the Central District of California; two Special Agents; two Pretrial Services Officers; a Deputy United States Marshal; the Clerk of Court for the Central District of California; two Assistant Federal Public Defenders; and a court-appointed attorney. The undersigned dismissed the civil suit for lack of subject matter jurisdiction on March 28, 2016, and found it to be "patently frivolous." See id. at Doc. 5 n.1.

Thereafter, Gullett-El filed a Petition to Transfer to Cure Want of Jurisdiction which sought to have the case transferred to the United States Court of Federal Claims, a "Notice of Directly Related Cases," a "Petition for Review of Administrative Action," and an amended petition which sought review of this Court's order of dismissal in the Court of Federal Claims and/or the United States Court of Appeals for the Federal Circuit, notices of appeal, and an application to proceed in forma pauperis in the Court of Federal Claims, financial affidavits, and an amended motion for temporary restraining order and preliminary injunction, which again sought to enjoin his criminal trial. See id. at Docs. 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 20. Gullett-El's motions were denied upon the Court determining (again) that his case was frivolous. See id. at Doc. 21 at 2.

On March 24, 2016, Gullett-El filed a complaint in the Court of Federal Claims. See Gullett-El v. United States, Case No. 16-403C (Ct. Fed. Cl.). In

another action in the Court of Federal Claims, Gullett-El sought to enjoin his criminal trial. See Gullett-El v. United States, Case No. 16-541T (Ct. Fed. Cl.). Both complaints were dismissed by the Court of Federal Claims for lack of subject matter jurisdiction. See Gullett-El v. United States, Case No. 16-403C, 2016 WL 1605491 (Ct. Fed. Cl. Apr. 20, 2016); Gullett-El v. United States, Case No. 16-541T, 2016 WL 8813434 (Ct. Fed. Cl. July 8, 2016).

In December 2016, Gullett-El filed another pleading in the Middle District of Florida against Judges Snyder, Chooljian, Barksdale, and Suzanne H. Segal; four AUSAs; two Special Agents; a Pretrial Services Officer; a Deputy United States Marshal; a two Assistant Federal Public Defenders; two court-appointed attorneys; and the Clerk of Court for the Central District of California. Gullett-El v. Snyder, Case No. 3:16-mc-63-J-32JRK (M.D. Fla.) at Doc. 2. Also named as Defendants were the United States, United States Marshals Service, United States Probation and Pretrial Services, and the United States Attorney's Office. The undersigned dismissed the case for lack of subject matter jurisdiction on January 5, 2017, and the Court again noted that "the case is patently frivolous." See id. at Doc. 3 at 1 n.1.

On April 3, 2017, Gullett-El filed a complaint in Duval County Circuit Court naming the same federal officers, employees, and agencies, as well as additional federal defendants and others. That case was removed by the United

States to federal court on April 20, 2017. Gullett-El v. Watson, Case No. 3:17-cv-472-J-32MCR (M.D. Fla.) (Docs. 1, 2). In that Complaint, Gullett-El sought, among other things, to "be awarded absolute possession of his body and collateral" and "[c]ompensation in the amount of Seven Hundred Eight-One ($781,000,000.00) Million One Ounce Silver coins of .9999 fine silver"; "[d]amages in the amount of Two Hundred Thirty-Four ($234,300,000.00) [sic] Million One Ounce Silver coins of .9999 fine silver"; and fees and costs. (Doc. 2 at ¶75 and the second paragraph numbered as 76.) Upon the United States' motion, the case was dismissed with prejudice as "patently and facially frivolous." Id. at Doc. 5 at 2 n.4.

On July 4, 2017, Gullett-El and Hephzibah-El then filed their "Universal and International Humanitarian Declaration for Common Law Prejudgment Writ of Personal Replevin" in Duval County Circuit Court, which was removed to this Court by the United States (one of the 182 named defendants) on August 1, 2017. Docs. 1, 2. The government now moves to dismiss the case with prejudice and seeks to have the Court enjoin Plaintiffs from future filings without obtaining leave of Court. Doc. 5. On August 24, 2017, the Court issued an Order directing Gullet-El and Hephzibah-El to show cause as to why their case should not be dismissed with prejudice and why an injunction should not enter prohibiting them from filing new complaints or pleadings without leave

of court under penalty of monetary sanction. Doc. 6. Neither of them responded.[2]

Courts have the inherent authority to dismiss a complaint as frivolous. Mallard v U.S. Dist. Court, 490 U.S. 296, 307-08 (1989). A case may be dismissed as frivolous if it relies on meritless legal theories or facts that are clearly baseless. Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993). See also Hagans v. Lavine, 415 U.S. 528, 536-37 (1974) (reiterating principle that federal courts are without power to consider cases that are absolutely devoid of merit or obviously frivolous) (citations omitted). The Court has reviewed the Complaint and finds, even under the liberal standard of review afforded pro se litigants, this case is no more meritorious than Plaintiffs' prior filings. Rather, it is vexatious, patently frivolous, and due to be dismissed with prejudice.

In addition to being wholly and patently frivolous,

> the Plaintiffs' vexatious filings have required the undersigned . . . to divert attention and resources away from the pressing and legitimate administrative business of this very busy Court to address the procedural and administrative ramifications of these baseless suits. In sum, Plaintiffs' frivolous and vindictive filings have repeatedly and unnecessarily wasted far too much of this Court's time. Plaintiffs

[2] The Court's Order directed Plaintiffs to respond by September 12, 2017 but the Courthouse was closed that day due to Hurricane Irma. The Courthouse reopened on September 13, 2017 and the Court has waited an additional week for Plaintiffs to respond before entering this Order.

> apparently believe they can convert the judicial system into an instrument of revenge and can bully the judiciary into issuing favorable rulings. That is not how the process works. This Court will not allow such gamesmanship to continue.

Cuyler v. Presnell, Case No. 6:11-cv-623-Orl-22DAB (M.D. Fla. Aug. 4, 2011) (Doc. 11 at 11).

In both Hephzibah-El's and Gullett-El's previous lawsuits (which were dismissed as patently frivolous), the Government sought a pre-filing injunction but the Court declined to grant one. However, both plaintiffs were warned that the Court would consider such action if they continued with their baseless filings. See Hephzibah-El v. Anderson, Case No. 3:17-cv-440-J-25JRK (M.D. Fla. May 2, 2017) (Doc. 8 at 3 ¶ 1) (noting that, although the United States requested an injunction preventing Hephzibah-El from filing additional frivolous lawsuits, the Court "decline[d] to consider a *Procup* injunction" at that time but would "consider further action if [she] continues with her baseless filings."); Gullett-El v. Watson, Case No. 3:17-cv-472-J-32MCR (M.D. Fla. Apr. 25, 2017) (Doc. 5 at 3 ¶ 4) (noting that, although the Court "decline[d] to consider a Procup injunction at this time[,]" it would "consider further action if Petitioner [Gullett-El] continues with his baseless filings." (citing Procup v. Strickland, 792 F.2d 1069, 1074 (11th Cir. 1986)). Now, Plaintiffs' continued disregard for the law, the rules of this Court, and this Court's prior

admonishments about filing frivolous cases demonstrate that such an injunction is warranted.

"Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." Procup, 792 F.2d at 1073. Indeed, "[t]he court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others." Id. at 1074. While litigants cannot be completely foreclosed from access to the court, courts have considerable discretion to curtail how abusive litigants present themselves to the court, including the power to issue injunctions that require pre-filing screening. Id. Despite multiple warnings of the potential consequences, it is clear from the filing of this lawsuit that Plaintiffs intend to continue their history of abusive, frivolous litigation.

The Court has considered other, lesser alternatives, and finds that nothing short of a pre-filing injunction will be effective. Moreover, because Plaintiffs have shown their willingness to file meritless claims in a variety of courts, the Court finds it appropriate to issue an injunction that extends not only to this Court but to the Fourth Judicial Circuit in and for Duval County, Florida, as well. If it proves necessary in the future, the Court will consider expanding the injunction to include other courts. See, e.g., Riccard v. Prudential

Ins. Co., 307 F.3d 1277, 1295 n.15, 1298 (11th Cir. 2002) (approving of injunction preventing suit by plaintiff or anyone acting on his behalf in any forum without first obtaining leave to file).

Accordingly, it is hereby

ORDERED:

1. The United States' Motion to Dismiss (Doc. 5) is **GRANTED**.

2. This case is **DISMISSED with prejudice**.

3. Plaintiffs Taquan Rahshe Gullett-El and Syteria Hephzibah-El are **ENJOINED** from initiating any action or other matter in the United States District Court for the Middle District of Florida or the Fourth Judicial Circuit in and for Duval County, Florida, without obtaining prior approval from this Court. The Court will adopt the pre-screening procedure established in Cuyler v. Presnell, Case No. 6:11-cv-623-Orl-22DAB (M.D. Fla.) (Docs. 11, 20), as follows:

a. Procedure in the Middle District of Florida

Henceforth, any complaint or other pleading Taquan Rahshe Gullett-El and/or Syteria Hephzibah-El present to the Clerk's Office in the Middle District of Florida for filing shall be specially handled in the following manner. Rather than filing the complaint or pleading and opening a new case, the Clerk's Office shall forward it to the duty Magistrate Judge in the respective Division for

review and screening. See Copeland v. Green, 949 F.2d 390, 391 (11th Cir. 1991) (upholding pre-filing screening requirements). The Magistrate Judge will determine whether the complaint or pleading has arguable merit; that is, a material basis in law and fact. No abusive, frivolous, scandalous, or otherwise impertinent complaint or pleading shall be permitted. If the action is arguably meritorious, the Magistrate Judge shall issue an order so stating and shall direct the Clerk of Court to file the complaint or pleading for normal assignment. Such order shall be docketed along with the complaint or pleading in the new civil case. If, however, the Magistrate Judge's preliminary review determines that the tendered filing has no arguable merit, the Magistrate Judge shall enter an order so finding, in which event the complaint or pleading will not be filed with the Court. Instead, the Clerk's Office shall return the original tendered document to Plaintiff(s) after making a copy for the Court.

In addition to docketing this Order in the instant case, the Clerk shall open a miscellaneous case and shall file the Order in that case, as well. Hereafter, any order determining that a complaint or pleading tendered by Plaintiff(s) has no arguable merit shall also be filed in the miscellaneous case, along with a copy of the complaint or pleading in question, both of which shall be forwarded to the United States Attorney.

Upon a finding that a tendered complaint or pleading lacks arguable merit, Plaintiff(s) shall be subject to a monetary sanction in the amount of $1,000.00 per case and/or such other sanctions as the Court deems appropriate. Any money judgment arising from such sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Hephzibah-El and/or Gullett-El to procure the seizure and sale of personal assets to satisfy the judgment.[3]

b. Procedure for New Lawsuits in the Fourth Judicial Circuit Court in and for Duval County, Florida

Taquan Rahshe Gullett-El and Syteria Hephzibah-El are permanently enjoined from initiating any action or other matter in the Fourth Judicial Circuit Court in and for Duval County, Florida, without first obtaining leave from this Court. In moving for leave, the respective plaintiff shall: (1) file with

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[3] See, e.g., In re Roy Day Litig., 976 F. Supp. 1455, 1459 (M.D. Fla. 1995) ("Rule 11, Federal Rules of Civil Procedure, permits the Court to enter monetary or other sanctions against a party for filing or pursuing frivolous actions. Frivolous actions include both those brought for an improper purpose, such as vexation, and those without basis in either law or fact. In the event a Magistrate's preliminary review results in a finding that Day's action is frivolous, that action will not be filed with the Court but instead will be returned to Day. Upon such a finding, Day will be subject to sanction in an amount not less than $1,000.00 per case. Of course, any money judgment arising from those sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Day to procure the seizure and sale of his personal assets to satisfy the judgment.").

the proposed complaint or pleading a motion entitled "Motion Seeking Leave to File a Complaint or Pleading"; and (2) attach as "Exhibit 1" of the motion a copy of this Order. The duty Magistrate Judge will review and decide the motion for leave, employing the same standards and procedures as will be used for new matters submitted for filing in this Court, including the awarding of monetary sanctions if appropriate, as described above.

4. The measures imposed by this Order are in no way intended to restrict other judges' authority to impose additional sanctions as necessary.

5. On or before **October 20, 2017**, the United States Marshal shall personally serve Taquan Rahshe Gullett-El and Syteria Hephzibah-El with a copy of this Order and shall promptly thereafter file a return of such service.

DONE AND ORDERED in Jacksonville, Florida this 20th day of September, 2017.

TIMOTHY J. CORRIGAN
United States District Judge

ab
Copies:

All Jacksonville District and Magistrate Judges
Honorable Christina A. Snyder, United States District Judge
for the Central District of California
Honorable Jacqueline Chooljian, United States Magistrate Judge
for the Central District of California
Honorable Suzanne H. Segal, United States Magistrate Judge
for the Central District of California
Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit Court
in and for Duval County, Florida
Clerk of Court, Middle District of Florida
Chief Deputy Clerk of Court – Operations, Middle District of Florida
Jacksonville Division Manager
Penelope Knox, SDUSM
Clerk of Court, United States Court of Federal Claims
Clerk of Court, United States District Court for the Central District
of California
Clerk of Court, Florida Fourth Judicial Circuit Court
Counsel of record
Pro se Plaintiffs