UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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| BILLY RAY KIDWELL, Appellant v.FLORIDA COMMISSION ON HUMAN RELATIONS,  AppelleeAndSEAWORLD ENTERTAINMENT, INC.,  Appellee | :::::::::::: |   **Appeal Number 17-11005-G** **Case No. 2:16-CV-403-FtM-99CM**    |

**MOTION FOR RECONSIDERATION OF JUDGE TJOFLAT, WILSON, AND JULIE CARNES, ORDER OF MAY 31, 2017, STRIPPING APPELLANT OF HIS FIRST AMENDMENT RIGHTS, AND IMPOSING TORTURE ON APPELLANT, IN DIRECT VIOLATION OF THE UNITED NATIONS CONVENTION AGAINST TORTURE**

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, lied in a Court Order, fraudulently claiming Appellant asked for a stay until he is “*Medically Able to Proceed*”.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* then used their lie to Unconstitutionally OBSTRUCT Appellant from Access to this Court.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, *being fully capable of reading English*, know that the Appellant didn’t ask for a stay “*Until he is Medically Able to Proceed*”, as those Judges fraudulently claim, and know that they are intentionally lying, to Torture Appellant, by OBSTRUCTING Appellant’s Access to this Court.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, are fully aware of Appellant’s Disabilities, and the inability of Appellant to stand stress.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, are fully aware that the Frail, Elderly, Deathly-Ill Appellant has just gotten out of the Bay Pines VA Hospital for having a Massive, Life-Threatening, Stress-Caused Heart Attack, intentionally imposed on Appellant by Non-Stop Harassment, Bullying, Rule Violations, and Blatant Lies, by the District Court.

These judges are fully aware that Appellant suffers Heart Pains, and a Pressure on his Chest, while sitting down at his Computer trying to respond to the non-stop lies, and misconduct, in the District Court.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know Appellant also suffered Nausea, and Shortness of Breath, Dizziness, Lightheadedness, Passing Out, and threw up blood from the District Court’s Harassment of Disabled Veterans.

 Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, are not dumb. They know the signs of a Massive Heart Attack.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that when you force a Disabled Veteran, *Under Doctor’s ORDERS Not to Work*, to violate his Doctor’s ORDERS, and to do the work of a team of Trained Attorneys, *as a Requirement to have Access to the Eleventh Circuit’s Courts*, that they are engaging in “*Medical Deprivation Torture*”, in direct violation of the United Nations Convention on Torture.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that the “*Rules*” are intended to provide a prompt, inexpensive, determination of a case, and that when Magistrate Mirando encouraged SeaWorld Attorneys to habitually violate the Rules to increase litigation, costs, *and massively increase Stress on the Appellant*, who is Medically unable to stand stress, that the intentional aggravating of Appellant’s Stress Disability constituted “*Medical Torture*”.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that Constant, Blatant lies, and Dishonesty, both from the Appellee, *SeaWorld Entertainment*, and the judges in this case, in a lawsuit where the Appellant is Medically Unable to Stand the Stress of those Habitual Lies, and Dishonesty, that said misconduct imposed Massive Mental Anguish, and Inhuman Stress Torture on the Frail, Elderly, Deathly-Ill Appellant.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that over Eight (8) Months of Inhuman Torture in the District Court caused Appellant to suffer a Heart Attack.

Appellant would not have been tortured, or suffered a Heart Attack from Torture, if the Eleventh Circuit had Honest Judges, that enforced the Rules, and did not “*target*” the Disabilities of Disabled Veterans, as Magistrate Carol Mirando did in this case, trying to force Appellant to forgo his extremely meritorious lawsuit.

Appellant would not have been tortured, or suffered a Heart Attack from Torture, if the Eleventh Circuit had Honest Judges, that forced Attorneys for Corporations, to abide by the Florida Bar Association “*Rules of Professional Conduct for Attorneys*”, instead of constantly violating Rules, lying, and Suborning Perjury to harass a Deathly-Ill Disabled Veteran Medically Unable to Stand Stress, *as Magistrate Carol Mirando encouraged SeaWorld Attorneys to do*.

Appellant would not have been tortured, or suffered a Heart Attack from Torture, if the Eleventh Circuit had Honest Judges, that forced Attorneys to address the MERITS of *Pro Se Lawsuits*, instead of spending the whole time period Appellant’s Lawsuit was pending, engaged in Misconduct, Lies, Rule Violations, Suborning Perjury, and Submitting Perjury, in a scheme by SeaWorld’s Attorneys, and Magistrate, *Carol Mirando*, to aggravate Appellant’s Known Stress Disability, causing Appellant so much pain, and Mental Anguish, that the Appellant would be forced to forgo his extremely meritorious lawsuit.

The Record clearly proves the Appellee, *SeaWorld Entertainment, Inc.*, and Magistrate, *Carol Mirando*, were fully aware of Appellant’s Disabilities, and targeted Appellant’s Life-Threatening Stress Disorder to intentionally cause Appellant’s Heart Attack.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that **while having a Heart Attack** that their close friend, Judge, *John E. Steele*, OBSTRUCTED the Appellant from obtaining Needed, Emergency, Medical Care, **trying to cause Appellant’s Death**, and as a direct result of that OBSTRUCTION the Appellant is now suffering Heart Failure, and could die.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that Appellant almost died, and had to be rushed to the Emergency Room of the Bay Pines VA Hospital, where Appellant was found to be experiencing a Heart Emergency, *because of all the Torture in the District Court*, and was immediately placed on the Heart, and Stroke Ward, of the Bay Pines VA Hospital.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that the Fort Myers United States District Court claims on its Internet Website to have a **Pro Bono Attorney Program** for Civil Litigants needing an attorney, and unable to afford one.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that Appointing an Attorney was REQUIRED in this case, by Appellant’s Life Threatening Stress Disability, and Well-Documented History of Life-Threatening Stress-Caused Heart Attacks, and the refusal of corrupt Eleventh Circuit Judges to stop the misconduct in their Courts, by Corporations that have a direct impact on the Judge’s Personal Investments.

*For example*, Appellant’s Lawsuit addressed Florida Theme Parks abusing the disabled, and defrauding the disabled, and Judge John E. Steele is known to invest large sums of his money into Florida Theme Parks, which explains why Judge Steele refused to allow Appellant to obtain needed Emergency Medical Care while he Appellant was having a Life-Threatening Heart Attack.

Simple honesty would’ve kept Appellant from being Tortured, and having a Massive, Life-Threatening, Stress-Caused Heart Attack.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* know the Frail, Elderly, Disabled Veteran, suffering Heart Failure, has just gotten out of the Bay Pines VA Hospital, and is **Unable to Medically Proceed with these Motions**, **and Appeal**, without endangering his life, and suffering Massive Medical Deprivation Torture.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* know Counsel is REQUIRED for the Appellant to safely Access this Court.

Knowing this the Court refuses to appoint counsel.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* intentionally lied in their May 31, 2017 Court ORDER, and violated the Bill of Rights, stripping Appellant of his Constitutional Right to Access the Courts, knowing their conduct would Torture Appellant, cause Appellant Massive Stress, and could cause Appellant’s Death since Appellant just got out of the Hospital, and is suffering Heart Failure.

This Court wants Appellant dead.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* know their lies, and violating the First Amendment, denying Appellant his Fundamental Constitutional Right of “*Meaningful*” Access to this Court, Tortures Appellant, and can cause his death.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* want to cause Appellant’s death with their Torture.

**Issue One**

**The Denial of Counsel Torture**

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* are fully aware that each member of the Florida, and Georgia Bar, is REQUIRED to provide *Pro Bono Services* to the poor. [according to the U.S. District Court’s Website in Fort Myers].

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* have ADMITTED in their May 31, 2017 Court ORDER that the Appellant is Medically Unable to Proceed, and yet they refuse to Appoint Counsel, and force the Appellant, who is bedbound with Heart Failure, and just got out of the VA Hospital Intensive Care, Heart, and Stroke Ward, to crawl to his computer, and suffer Inhuman Pain, *and Torture*, filing these motions, to expose their intentional dishonesty.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* know that in Florida alone there are at least 68,464 licensed Attorneys the Court can easily appoint to keep from Torturing Appellant, aggravating his Life-Threatening Stress Disorder, and endangering Appellants Life.

The only possible reason for Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* to harass Appellant, lying in their Court Order, *while refusing to appoint counsel*, after the District Court already drove Appellant to being hospitalized once, **almost killing Appellant with similar abusive conduct**, is that Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* are trying to cause Appellant to have another Stress-Caused, Heart Attack, in the hope Appellant dies.

That way Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes* can cover-up the Torture, and Abuse in the District Court.

This Court wants to murder the Frail, Elderly, Deathly-Ill Appellant suffering Heart Failure, to cover up Torture, and crimes by associates of theirs.

**Issue Two**

**The Blatant Lies Used to Strip Appellant of His First Amendment Rights**

 Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, knowing the Appellant is in extremely dire health, suffering Heart Failure because of all the Abuse, Dishonesty, and Inhuman Intentional Torture in the District Court, decided to use the same “*Torture Tactics*” that put Appellant in the Hospital, and caused Appellant to be presently suffering Heart Failure, in a scheme to try to cause Appellant’s Death in their Appeals Court.

The Eleventh Circuit is notorious for dishonesty, and the abuse, and fixing of cases against *Pro Se Litigants*, whom the Court considers to be an “*Inferior Class*”, unworthy of any honesty, or fairness.

Because of this discrimination toward the poor, the working class, and America’s Disabled Veterans, whom must proceed *Pro Se* because of their poverty, and inability to afford an Attorney, the Eleventh Circuit, engages in any wrongful, and dishonest act, to deny *Pro Se Litigants* “Meaningful” Access to the Courts.

A quick internet search reveals that nearly every *Pro Se Litigant* that has come before the Eleventh Circuit complains of intentional abuse, and massive dishonesty.

In a scheme to violate the Bill of Rights, and deny Appellant his Fundamental Constitutional Right of “*Meaningful*” Access to the Courts, Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, conspired together, and came up with two lies, they used to justify denying Appellant Access to this Court.

*The First Lie*

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, intentionally lied by fraudulently claiming that “*Appellant wanted a stay until his health improved*”.

The record proves that their statement is an out, and out intentional lie.

Appellant’s Health will never improve where he can safely access this Court, and the judges on this Court know it.

Appellant was in the process of having an Active Heart Attack, and asked Judge Steele to Stay the Deadlines in this Case, just long enough for Appellant to go to the Emergency Room and get “*Needed Emergency Medical Care*”.

In section three (3) under “*Relief*” in Appellant’s Motion for a Stay the Appellant stated;

“*This Court should stop sitting on Plaintiff’s Motion for Appointment of Counsel, and comply with this Court’s Claim to have a Pro Bono Attorney Program, by immediately appointing Counsel to protect, and save the life of Plaintiff, by representing Plaintiff in this case, including prosecuting this Motion, while Plaintiff seeks Life-Saving Medical Care from the Department of Veterans Affairs*.”

**Appellant asked for an Attorney.**

Appellant DID NOT ASK for this Case to be suspended until a miracle happens, and Appellant is healed by a light from the clouds, or some spaceship comes down and heals Appellant.

Appellant has made it extremely clear with his Medical History, and Judgments by Social Security, the Department of Veterans Affairs, Federal Administrative Judge Farr, and every doctor that has seen Appellant in the past forty-three (43) years that APPELLANT IS PERMANENTLY DISABLED.

He will never get better, and his medical condition will only get worst with age, and especially with Appellant being subjected to the Inhuman Torture he has been subjected to in this Court.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, speak, and read English. They know Appellant’s health will never improve.

And Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know that by saying that they are suspending this case, until Appellant’s Health Improves, that they are really abolishing the Bill of Rights, and denying Appellant his Fundamental Constitutional Right of Access to the Courts, for the rest of Appellant’s Life, to PUNISH Appellant for being disabled.

Such inhuman PUNISHMENT violates the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment, or Punishment.

The truth that Dishonest Judges on this Court are incapable of speaking is that when Appellant got out of the hospital he filed a Second Motion, documenting that Judge Steele tried to cause Appellant’s Death, and Appellant asking for the Court to Appoint Counsel, and then Stay the Case so the Appointed Attorneys could get up to speed, and Stop the Torture.

Appellant did NOT ask the Court to stay the case until Appellant is “*Medically Able to Proceed*” Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, are habitual liars.

Appellant is bed-bound with Substantial Heart Failure, which means Appellant should stay in bed, and not be forced to crawl, and suffer his death, to amuse the judges on this Court, by Appellant trying to file Motions, while he is suffering Heart Failure.

**The Appellant is PERMANENTLY unable to Medically Proceed.**

*The Second Lie*

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, fraudulently lie and say there is no relief they can grant on Appeal.

This is the king of all lies.

*First*, Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, can grant relief in the form of trying to be honest, to stop the habitual lying in this case.

They are lying if they claim they do not have the authority to require honesty, and Due Process in their own District Courts.

They can stop aggravating Appellant’s Stress Disability, and stop putting Appellant in the hospital, trying to kill Appellant, by Appointing Counsel.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, are fully aware that not only do they have the authority to stop the Torture of the Frail, Deathly-Ill Appellant, in their District Courts, but they have a Moral Duty, and a Duty pursuant to the United Nations Convention on Torture to do so.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, can stop abolishing the Bill of Rights, and stop using blatant lies to deny Appellant Access to the Courts.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, can start abiding by the United Nations Convention on Torture, and stop their Inhuman Torture of Appellant.

Clearly Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, intentionally lied when they said there is no relief they can provide.

Truthfulness, and Fair Treatment, would be a good start, as would the Appointment of Counsel, when, as in this case, an Attorney is Medically Needed to avoid a party’s possible death.

The reason for their blatant lies are to cover-up that an Eleventh Circuit Judge, *John E. Steele*, *a close friend of theirs*, OBSTRUCTED a Frail, Elderly, Disabled Veteran from getting needed Emergency Medical Care, trying to kill the Appellant, which is a serious Felony in the State of Florida.

**Issue Three**

**Denying the Appellant Access to the Court as Punishment for Being Disabled Violates the First, and Fourteenth Amendments**

 Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, stated that this case is being stayed “*Until Appellant is Medically Able to Proceed*”.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, know the Appellant is suffering Permanent, Irreparable Heart Failure, and that Appellant could easily die from the Court’s abuse, and that Appellant’s Health is so dire, Appellant will never be “*Medically Able to Proceed*”.

Knowing this the Court ORDER of Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, actually says that Appellant is forever bared from the Courts because he is disabled.

Judges, *Gerald Bard Tjoflat*, *Charles R. Wilson*, and *Julie Carnes*, have no lawful authority to strip Appellant of his Constitutional Rights, as Punishment for his disabilities.

Such conduct violates the First, and Fourteenth Amendments, and destroys everything this country stands for.

**Issue Four**

**The Conduct of the Eleventh Circuit, both in the District Court, and this Court, Violates the United Nations Convention on Torture**

The United Nations Convention Against Torture, and Other Cruel, Inhuman, and Degrading Treatment, or Punishment, requires a Torture Victim to Attempt to Exhaust Domestic Remedies in the Courts, or with Government Officials, in the country in which they are being tortured, *prior* to filing a Formal Complaint with the United Nations.

The Appellant is filing a Torture Complaint with the United Nations Committee on Torture, for the months of Inhuman Torture, and *ongoing* attempts to cause his death, by the Appellee, SeaWorld Entertainment, Inc., and Eleventh Circuit Judges.

This “*Motion*” is Appellant’s Formal Exhaustion of Domestic Remedies, prior to his filing a Formal Torture Complaint in the United Nations against the Inhuman Torture of America’s Disabled Veterans by SeaWorld Entertainment, Inc., and judges in the Eleventh Circuit.

The United States is a Member State to the United Nations Convention Against Torture, and Other Cruel, Inhuman, and Degrading Treatment, or Punishment, and United States Officials, are specifically Prohibited from engaging in Medical Deprivation Torture.

United States Magistrates, and Judges, are considered to be “*United States Officials*”, pursuant to the Convention, and therefore must abide by the Convention’s Prohibition against Torture.

Any practice of Torture, or Other Cruel, Inhuman, or Degrading Treatment, or Punishment by United States Officials violates international human rights standards, to which the United States is a party.

Pursuant to the United Nations Convention Against Torture, Judges in the United States MUST be held accountable for Torture, and Other Inhuman, or Degrading Treatment toward individuals.

As to this United Nations Torture Complaint the Appellant incorporates the complete Record of this Case, and Appellant’s VA Hospital Records, and statements from eye witnesses.

Summary

For these reasons this Court MUST reconsider its May 31, 2017 ORDER, Stop the Torture of Appellant, in direct violation of the United Nations Convection on Torture, Appoint Counsel, and restore Appellant’s Constitutional Rights.

This document is a formal “*Exhaustion*” of the United Nations Torture Treaty Victim, Billy Ray Kidwell’s Member State Remedies.

Relief

1. Appellant seeks for this Court to immediately start complying with the United Nations Convention Against Torture, and Other Inhuman, or Degrading Treatment, or Punishment.
2. *Specifically*, this Court must issue an ORDER prohibiting Appellee, *SeaWorld Entertainment, Inc.*, SeaWorld’s Officers, Attorneys, *and anyone acting on behalf of SeaWorld*, from harassing, and/or, Targeting the Stress Disability of Appellant, Billy Ray Kidwell.
3. This Court Must require SeaWorld to strictly comply with the F.R.C.P., and for SeaWorld’s Attorneys to strictly comply with the Florida Bar Rules of Professional Conduct for Attorneys.
4. SeaWorld MUST be required to explain the Perjured Declaration of SeaWorld Assistant Secretary Paul Powers, which directly conflicts with the Form 10K filed with the U.S. Securities, and Exchange Commission by SeaWorld, and sworn to by SeaWorld CEO Joel Manby. Both statements contradict each other, and can’t be true.
5. This Court Must Appoint Counsel and stop trying to cause Appellant’s Death.

1. This Court Must re-consider, and reverse its ORDER of May 31, 2017 which is based on lies.
2. This Court Must abide by the Bill of Rights, and United States Constitution.
3. This Court Must ORDER an Independent Investigation of the Torture of Appellant, and the many attempts in the Eleventh Circuit Courts, to cause Appellant’s Death.
4. Appellant seeks any, and all other relief he is entitled to.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ June 18, 2017

Billy Kidwell, (941) 627-0433

5064 Silver Bell Drive

Port Charlotte, Florida 33948

Kidwell18@comcast.net

**CERTIFICATE OF SERVICE**

I, Billy Ray Kidwell, hereby certify that I have served a true and correct copy of the Attached on SeaWorld Attorney, Carie L. Hall, and on the Florida Commission on Human Relations, by placing a copy of same in the U.S. Mail addressed to:

 Kenneth Wilson

Office of the Attorney General

501 E. Kennedy Blvd., Suite 1100

Tampa, Florida 33602

*and to:*

Attorney Carie L. Hall

Rumberger, Kirk, and Caldwell

100 North Tampa Street, Suite 2000

Post Office Box 3390

Tampa, Florida 33601-3390

On this the 18th day of June 2017.

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