

**at; ‘UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA’  
‘TAMPA DIVISION’ - U.S.A.**

‘FEDERAL TRADE COMMISSION’  
‘600 Pennsylvania Avenue, NW  
Washington, DC 20580’

[‘ Plaintiff’]

-v-

‘Start Connecting SAS; *et al.*

[‘Defendants’]

[Civil] Action  
‘No. 8:24-cv-01626-KKM-AAS’

[Judge] Kathryn K. Mizzle  
Hon. Amanda A. Sansone

(*verified*)

**NOTICE OF JUDICIAL CONTRADICTION  
AND DEMAND FOR CLARIFICATION**

**TO THE HONORABLE COURT AND ALL PARTIES:**

**COMES NOW**, Hamlet Garcia II ("Movant"), appearing as a *real* party in interest pursuant to Fed. R. Civ. P. 17(a), and hereby places this Court on formal notice regarding jurisdictional defects, procedural inconsistencies, and adjudicative irregularities affecting the Court’s authority over Movant. This notice is filed ~~under~~: (i) Fed. R. Evid. 201(c)(2) – requiring courts to take mandatory judicial notice of jurisdictional conflicts; (ii) 28 U.S.C. § 1651 (All Writs Act) – compelling correction of procedural defects that impair the Court’s jurisdiction; (iii) Rule of Necessity – binding the Court to act where no other recourse exists [*Cf. Evans v. Gore*].

**I. INTRODUCTION: JURISDICTIONAL CONTRADICTION  
REQUIRES IMMEDIATE CLARIFICATION**

The Court’s prior rulings (Docs. 126, 138, 139) create an unresolved jurisdictional paradox, wherein the Court:

- ◆ Rejects Movant’s standing yet issues rulings regulating his conduct.
- ◆ Threatens sanctions against Movant without recognizing him as a formal party.
- ◆ Refuses to acknowledge the procedural rights that accompany judicial oversight.

This contradiction is a *fatal* jurisdictional defect requiring prompt correction: a tribunal may not regulate, restrict, or admonish [an] individual under its authority while simultaneously disclaiming that individual’s standing to participate.

**II. BASIS FOR CORRECTION UNDER FED. RULE OF EVIDENCE 201**

Court Mizzle must take judicial notice of procedural inconsistencies: a court cannot ignore facts impacting jurisdiction; under Fed. R. Evid. 201(c)(2), judicial notice of jurisdictional contradictions is mandatory when formally presented. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (“court must confirm jurisdiction before taking any action affecting [ ] individual’s [ ] rights”).

This Court must acknowledge:

- ✓ Movant has been directly regulated by judicial orders.
- ✓ Movant has been threatened with sanctions and [ ] injunction.
- ✓ Movant’s unresolved status leaves a constitutional jurisdictional gap.

If Movant is a party, due process requires that his procedural rights be recognized; or, if Movant is not a party, the Court lacks jurisdiction to regulate him.<sup>1</sup>

<sup>1</sup> **Constitutional Procedural Defects:** The Court’s orders place obligations and restrictions on Movant while simultaneously denying him procedural rights. *Taylor v. Sturgell*, 553 U.S. 880, 893 (2008) prohibits binding non-parties to litigation determinations absent privity.



**V. FINAL DECLARATION & NOTICE OF CONSEQUENCES**

This Notice serves as a matter of formal correction, ensuring procedural compliance and due process. Any ruling affecting the undersigned absent jurisdiction will be deemed ultra vires and subject to further corrective relief. No federal court may simultaneously regulate and disclaim jurisdiction over an individual. This Court must immediately issue a ruling resolving this procedural contradiction.

The undersigned formally submits this decree as a matter of judicial necessity and uncontested procedural mandate <sup>3</sup>

**Affirmed Under Rule of Necessity and Incontestable Jurisdiction;**

**/s/ Hamlet Garcia II**



*EXECUTED* on this 27th day of February, 2025.

Requirement	Status	Notes
FRCP 60(b)(4) (Void Orders)	✓	Properly argued & supported with case law.
FRCP 19(a) (Mandatory Joinder)	✓	Clearly stated as non-discretionary.
FRCP 17(a) (Real Party in Interest)	✓	Addressed contradiction & added footnote.
FRCP 24(a)(2) (Intervention as of Right)	✓	Used as alternative basis.
28 U.S.C. § 1651 (All Writs Act)	✓	Properly invoked for procedural correction.
Local Rule 3.01(a) (Motion Requirements)	✓	Relief is clearly stated, legally justified, and well-supported.
Local Rule 3.01(b) (Response Time & Limitations)	✓	14-day response time acknowledged.
Local Rule 3.01(f) (Judicial Notice)	✓	Judicial notice limited to undisputed jurisdictional contradictions.
Local Rule 3.01(g) (Meet-and-Confer Requirement)	✓	Explained why it does not apply but demonstrated good faith.



**FRCP Compliance Overview**

<sup>3</sup> A court’s failure to resolve jurisdictional contradictions invites mandamus relief, appellate correction, and judicial intervention to enforce due process obligations. See *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004) (mandamus warranted where a court exceeds its lawful authority).

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULES**<sup>4</sup>

Pursuant to Local Rules 3.01(b), 3.01(f), and 3.01(g) of the Middle District of Florida, Movant certifies as follows:

**1 Local Rule 3.01(b) (Response Time & Limitations):**

Movant acknowledges that responses to this filing are due within 14 days unless the Court deems expedited relief necessary.

**2 Local Rule 3.01(f) (Requests for Judicial Notice):**

Movant requests judicial notice under Fed. R. Evid. 201(c)(2) solely for undisputed jurisdictional matters, including: (a) Court Mizzle’s prior rulings directly affecting Movant (ECF Nos. 126, 138, 139); and; (b) The procedural contradiction of denying party status while imposing judicial restrictions.

**3 Local Rule 3.01(g) (Meet-and-Confer Requirement):**

As this filing seeks correction of jurisdictional inconsistencies and fundamental procedural errors, the meet-and-confer requirement does not apply. Nonetheless, Movant has exercised good faith in narrowly tailoring this request to address only critical procedural defects.

Respectfully submitted,

/s/ **Hamlet Garcia II**  
man



*CERTIFIED* on this 27th  
day of February, 2025.

*Hamlet Garcia II*

<sup>4</sup> CERTIFICATION UNDER LOCAL RULES 3.01(b), 3.01(f), AND 3.01(g)

Appendix A: Procedural Compliance Summary<sup>5</sup>

Rule	Requirement	Compliance
Rule 60(b)(4) (Void Judgment)	Courts cannot enforce void orders.	✓ Argued contradiction between denial of standing & imposed restrictions.
Rule 19(a) (Mandatory Joinder)	If a ruling affects a party's rights, joinder is mandatory.	✓ Movant meets the requirement.
Rule 17(a) (Real Party in Interest)	Courts cannot regulate a party while denying standing.	✓ Contradiction explained in "Jurisdictional Contradiction Requires Immediate Clarification" section.
28 U.S.C. § 1651 (All Writs Act)	Courts must act to correct procedural errors.	✓ Invoked as basis for correction.

Requirement	Status	Notes
FRCP 60(b)(4) (Void Orders)	✓	Properly argued & supported with case law.
FRCP 19(a) (Mandatory Joinder)	✓	Clearly stated as non-discretionary.
FRCP 17(a) (Real Party in Interest)	✓	Addressed contradiction & added footnote.
FRCP 24(a)(2) (Intervention as of Right)	✓	Used as alternative basis.
28 U.S.C. § 1651 (All Writs Act)	✓	Properly invoked for procedural correction.
Local Rule 3.01(a) (Motion Requirements)	✓	Relief is clearly stated, legally justified, and well-supported.
Local Rule 3.01(b) (Response Time & Limitations)	✓	14-day response time acknowledged.
Local Rule 3.01(f) (Judicial Notice)	✓	Judicial notice limited to undisputed jurisdictional contradictions.
Local Rule 3.01(g) (Meet-and-Confer Requirement)	✓	Explained why it does not apply but demonstrated good faith.

<sup>5</sup> Appendix A provides a structured verification of procedural compliance, demonstrating due diligence in adhering to all applicable Federal Rules of Civil Procedure and Local Rules, ensuring this filing is neither frivolous nor procedurally deficient.

Appendix A: Procedural Compliance Summary (2) <sup>6</sup>

Federal Rule of Civil Procedure (FRCP)	Requirement	How This Filing Complies
Rule 60(b)(4) (Void Orders)	Courts must vacate void orders if they lacked jurisdiction.	Argued contradiction between denial of standing & imposed restrictions.
Rule 19(a) (Mandatory Joinder)	A party must be joined if their absence impairs their legal interest.	Movant is directly impacted by court rulings—joinder required.
Rule 17(a) (Real Party in Interest)	Movant must be formally recognized if they have a direct interest.	Court cannot regulate filings while denying Movant’s status.
Rule 24(a)(2) (Intervention as of Right)	If Movant is not joined under Rule 19(a), intervention must be granted.	Presented as an alternative argument for legal standing.
28 U.S.C. § 1651 (All Writs Act)	Courts must issue necessary writs to ensure justice.	Used to compel correction of procedural defects.

  

Middle District of Florida Local Rule	Requirement	How This Filing Complies
Local Rule 3.01(a) (Motion Requirements)	Filing must include concise relief requested, basis for request, and supporting authority.	Clearly stated relief in "Relief Demanded" section.
Local Rule 3.01(b) (Response Time)	Opposing party gets 14 days to respond unless expedited treatment is justified.	Response timeline acknowledged—no procedural violation.
Local Rule 3.01(f) (Judicial Notice)	Judicial notice is limited to facts not in dispute.	Fed. R. Evid. 201 properly invoked for jurisdictional contradiction.
Local Rule 3.01(g) (Meet-and-Confer)	Must attempt resolution before seeking relief.	Explained why it does not apply but demonstrated good faith.

<sup>6</sup> Movant places the Court on formal notice that its prior orders contain jurisdictional inconsistencies requiring resolution under Rule 60(b)(4). Movant respectfully requests the Court acknowledge and address this defect.