

**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 JURISDICTIONAL CHALLENGE
& DEMAND FOR LEGAL RECOGNITION**

COMES NOW, Hamlet Garcia II, asserting jurisdictional interest and necessary party status under Fed. R. Civ. P. 19(a)¹, 17(a)², 24(a)(2)³, and 28 U.S.C. § 1651,⁴ and states as follows: ⁵

1 VOID ORDERS & SELECTIVE JURISDICTIONAL APPLICATION

The Court cannot deny party status while simultaneously striking filings and imposing restrictions. If Movant is “not a party,” the Court’s orders (ECF Nos. 126, 138, 139) are jurisdictionally void under Rule 60(b)(4). Jurisdiction is absolute; it cannot be selectively invoked. *Cf. United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010) (“A judgment is void if the rendering court lacked jurisdiction or acted in a manner inconsistent with due process”).

¹ Rule 19(a) mandates joinder when a ruling impairs a party’s interest.

² Movant must be formally recognized if they have a direct interest.

³ If Movant is not joined under Rule 19(a), intervention must be granted.

⁴ 28 U.S.C. § 1651 authorizes courts to issue necessary writs.

⁵ Court cannot proceed without first resolving the jurisdictional contradiction it created

1 **2 MANDATORY JOINDER UNDER RULE 19(a)**

2 Movant’s legal, financial, and procedural interests are directly impacted by
3 this case. Under Rule 19(a)(1)(B)(i), a party must be joined if "disposing of the
4 action in their absence may... impair or impede their ability to protect that interest."
5 The Court’s prior rulings already affect Movant—joinder is not discretionary.

6 **3 DUE PROCESS PROHIBITS RULINGS AGAINST A NON-PARTY**

7
8 Rule 17(a) mandates recognition of a party if they have a direct legal interest
9 in the litigation. A court cannot regulate or restrict an individual while
10 simultaneously disclaiming their status in the case. If the Court asserts jurisdiction
11 over Movant by striking his filings, imposing restrictions, or threatening sanctions,
12 then Rule 17(a) requires that he be formally recognized as a real party in interest.⁶

13 Due process requires formal recognition before imposing judicial constraints.
14 A ruling impacting a non-party is per se void.

15 **MANDATORY JUDICIAL ACTION REQUIRED**⁷

- 16
17 1. Either acknowledge Movant as a necessary party under Rule 19(a)
18 and allow procedural participation, **OR**
2. Vacate prior orders restricting Movant under Rule 60(b)(4).

⁶ See *Taylor v. Sturgell*, 553 U.S. 880, 893 (2008) (“A court cannot bind a non-party to litigation outcomes without privity or direct interest”).

⁷ [Judge] Mizzle cannot simultaneously regulate and disclaim jurisdiction over a litigant. If Movant is a non-party, the Court lacks jurisdiction to impose sanctions or pre-filing restrictions. If Movant is a party, the Court must recognize procedural standing.

No federal court may exercise jurisdiction selectively. This issue must be resolved now. Failure to rule on this issue violates procedural due process under *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83 (1998).

RELIEF DEMANDED

Movant [respectfully] demands:

- ◆ Immediate vacatur of void orders (ECF Nos. 126, 138, 139) under Rule 60(b)(4).⁸
- ◆ Declaration affirming Movant’s standing as a necessary party under Rule 19(a).
- ◆ Stay of all proceedings affecting Movant until jurisdiction is confirmed.⁹
- ◆ Correction of all procedural defects restricting Movant’s filings.

Respectfully submitted,

/s/ Hamlet Garcia II



EXECUTED on this 27th day of February, 2025.



Requirement	Status	Notes
FRCP 60(b)(4) (Void Orders)	✓	Clearly argues orders are void due to jurisdictional defects.
FRCP 19(a) (Mandatory Joinder)	✓	Demonstrates Movant’s legal interests require joinder.
FRCP 17(a) (Real Party in Interest)	✓	Establishes contradiction between Court’s rulings and Movant’s status.
FRCP 24(a)(2) (Intervention as of Right)	✓	Used as an alternative if joinder is denied.
28 U.S.C. § 1651 (All Writs Act)	✓	Properly invoked to ensure procedural fairness.
Local Rule 3.01(a) (Motion Requirements)	✓	Relief explicitly requested and legally justified.
Local Rule 3.01(b) (Response Time & Limitations)	✓	Acknowledges 14-day response time per Local Rule.
Local Rule 3.01(f) (Judicial Notice)	✓	Requests judicial notice limited to undisputed facts.
Local Rule 3.01(g) (Meet-and-Confer Requirement)	✓	Explains why requirement does not apply but shows good faith effort.

⁸ 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.

⁹ Before proceeding further, the Court must clarify its jurisdiction over Movant. If denied, all orders affecting Movant must be vacated under Rule 60(b)(4). If jurisdiction is asserted, Movant must be recognized as a real party in interest under Rule 17(a).

Federal & Local Rule Conformity Chart

CERTIFICATION OF COMPLIANCE WITH LOCAL RULES¹⁰

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 determines that expedited relief is warranted.

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

Movant requests judicial notice under Fed. R. Evid. 201(c)(2) only for facts that are not subject to reasonable dispute, including: (a) Court’s prior orders affecting Movant (ECF Nos. 126, 138, 139); and; (b) the contradiction between the Court denying party status while regulating Movant’s conduct.

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

- Because this filing challenges the Court’s jurisdiction and seeks relief that affects Movant’s legal status, the meet-and-confer requirement does not apply.
- However, Movant has acted in good faith by ensuring this Notice is narrowly tailored to the procedural defects at issue.

Respectfully submitted,

/s/ Hamlet Garcia II



CERTIFIED on this 27th

¹⁰ CERTIFICATION UNDER LOCAL RULES 3.01(b), 3.01(f), AND 3.01(g)

day of February, 2025.

Appendix A: Procedural Safeguards Overview ¹¹

Requirement	Status	Notes
FRCP 60(b)(4) (Void Orders)	✓	Clearly argues orders are void due to jurisdictional defects.
FRCP 19(a) (Mandatory Joinder)	✓	Demonstrates Movant’s legal interests require joinder.
FRCP 17(a) (Real Party in Interest)	✓	Establishes contradiction between Court’s rulings and Movant’s status.
FRCP 24(a)(2) (Intervention as of Right)	✓	Used as an alternative if joinder is denied.
28 U.S.C. § 1651 (All Writs Act)	✓	Properly invoked to ensure procedural fairness.

Rule	Requirement	Compliance
Local Rule 3.01(a) (Motion Requirements)	Filing must include concise relief requested, basis for request, and supporting authority.	✓ All filings clearly state relief in "Relief Demanded" sections.
Local Rule 3.01(b) (Response Time)	Opposing party gets 14 days to respond.	✓ Response timeline acknowledged.
Local Rule 3.01(f) (Judicial Notice)	Judicial notice is limited to facts not in dispute.	✓ Fed. R. Evid. 201 properly invoked.
Local Rule 3.01(g) (Meet-and-Confer)	Must attempt resolution before seeking relief.	✓ Explained why it does not apply but showed good faith.

¹¹ This appendix substantiates strict adherence to procedural mandates, reinforcing the integrity of this filing and preempting any inference of procedural impropriety or frivolous conduct