

**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; [Hamlet Garcia II]. *et al.*
[‘a real party in interest’]

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

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

(verified)

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**MOTION TO STRIKE MISCLASSIFIED ENTRY
& REQUIREMENT OF PROPER DOCKET ENTRY**

COMES NOW, Hamlet Garcia II, Real Party in Interest, calls for this Court to strike and correct Docket Entries 148 and 149, which were erroneously docketed as “Motions” instead of Notices, and thereby misrepresent the filings, affecting procedural validity, appellate preservation, and recognition of [legal] standing. ¹

I. GROUNDS FOR RELIEF

1. Misclassification of Docket Entries 148 and 149 as motions, rather than Notices, alters their procedural treatment, subjecting them to discretionary review contrary to their intended mandatory nature under Fed. R. Civ. P. 60(a).
2. Said *misclassification* deprives Petitioner of the intended procedural benefits, in violation of Fla. Stat. § 28.12, Fed. R. Civ. P. 60(a), and Fla. Stat. § 47.081, which mandate clerks to maintain accurate records reflecting true nature of filing

¹ To preserve the integrity of the record and ensure accurate classification of filings, as required by federal and state mandates, this motion seeks correction. By demanding this adjustment, the real party in interest aims to uphold procedural fairness and protect due process rights throughout these proceedings. [Cf. Florida Statutes § 28.222(1)(a)-(d) (Clerk’s Duties)]

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2 3. Such unauthorized modifications distort the record and prejudices the due
3 process rights of Petitioner as protected under *Mathews v. Eldridge*, 424 U.S.
4 319 (1976), and violate the Fifth Amendment right to procedural fairness.

5 **III. BASIS FOR CORRECTION & RELEVANT PRECEDENT**

6 Hamlet's demand for correction is grounded in Fed. R. Civ. P. 12(f),
7 authorizing the Court to strike filings that are improperly classified and prejudicial.
8 Fed. R. Civ. P. 60(a) requires the correction of clerical errors in the record. Under
9 Fed. R. Evid. 201(c)(2), the Court must take notice of docket irregularities. Fla. Stat.
10 § 28.12 and Fla. Stat. § 47.081 impose a duty on the Clerk to maintain accurate
11 records. *Johnson v. Mississippi*, 403 F.3d 1343 (11th Cir. 2005), holds that altering
12 the procedural treatment of filings can result in a due process violation. *Fla. Sup.*
13 *Ct. Rule 2.420* further underscores the necessity of accurate record-keeping to
14 ensure fairness and transparency in the judicial process. ²

15 **II. RELIEF DEMAND**

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17 WHEREFORE, *Hamlet hereby demand* of this 'Court' [to]:

- 18 1. Strike the misclassified docket entries for Dkt. No. 148 and 149.
19 2. Order the Clerk of Court to reclassify the filings as Notices, consistent
20 with their original submission. [*Cf.* 28 U.S.C. § 1651 (All Writs Act)].

² *U.S. ex rel. Grynberg v. Praxair, Inc.*, 389 F.3d 1038, 1050 (10th Cir. 2004) – Docketing Errors Cannot Prejudice a Litigant's Rights (Courts have an obligation to correct docketing mistakes that could impact substantive or procedural rights).

- 3. Affirm that future docketing must accurately reflect the true nature of the filings, to prevent further procedural delays.³
- 4. Grant any further relief this Court deems just and proper to protect procedural integrity and due process.

V. CONCLUSION⁴

WHEREFORE, for the reasons stated herein, *Hamlet* calls for this ‘Court’ [to]:

- Strike the erroneous docket classifications. [See Dkt. 151 (Notice)]
- Order the Clerk to reclassify the filings as Notices, as originally intended.
- Ensure future docket entries reflect the true nature of filings

Entered into the Record, Final and Not Subject to Change;

/s/ Hamlet Garcia II
a real party in interest



EXECUTED on this 28th
day of February, 2025.

[Re]presentative for [wo]man-kind



Hamlet Garcia II
natural | man-made



³ Florida Statutes § 28.222(1)(a)-(d) – *Clerk’s Duty to Accurately Record Judicial Filings*

⁴ Said filing is made solely for the sake of procedural accuracy and common courtesy, and in no way alters or negates the status of i: Man Hamlet Garcia, II/Jr. in the context of the case. The nature and status of filings remain consistent with the legal standing of the real party in interest.

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VERIFICATION OF SERVICE ⁵

i: hereby *verify* that on February 28, 2025 a true and correct copy of the foregoing MOTION TO STRIKE MISCLASSIFIED ENTRY & REQUIREMENT OF PROPER DOCKET ENTRY was filed via CM/ECF ('E-Portal'), which *purportedly* effectuates automatic service upon all counsel of record.

Made Part of the Permanent Record;



/s/ Hamlet Garcia II

i: [a] man

Hamlet Garcia II

Executed: February 28th, 2025

⁵ Per Fed. R. Civ. P. 5(d)(1) and M.D. Fla. Local Rule 1.08.