

at; 'UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA'  
'TAMPA DIVISION' - U.S.A.  
i; a man claim; all herein be true;

'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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**DECLARATION OF PRIMORDIAL STANDING & SUPERIOR CLAIM**

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

**COMES NOW**, *i*: a man; Hamlet Garcia II ("Declarant"), asserting Primordial Standing and Superior Claim, beyond procedural recognition, based on fundamental law, constitutional mandate, and pre-existing substantive rights.

**I. PRIMORDIAL STANDING & SUPERIOR CLAIM**

Primordial Standing exists where preemptive rights override discretionary barriers. *See Hollingsworth v. Perry*, 570 U.S. 693, 707 (2013) (standing derives from vested interest, not judicial permission)

Superior Claim is established where jurisdiction attaches by right, not by procedural gatekeeping. *See Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (where the law provides a right, the court must enforce it).

1 Jurisdiction follows the right, not the procedure. Courts cannot impose  
 2 procedural non-recognition to evade substantive adjudication.<sup>1</sup> *See Steel Co. v.*  
 3 *Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (jurisdiction is prerequisite to any  
 4 exercise of judicial power).

5 Superior Claim controls where substantive rights preempt judicial discretion,  
 6 barring courts from obstructing adjudication through procedural filtration. *See*  
 7 *Lewis v. Casey*, 518 U.S. 343, 349 (1996) (right of access to courts cannot be  
 8 nullified by artificial barriers); Fla. Stat. § 86.011 (mandating judicial recognition of  
 9 vested claims); *AT&T Mobility, LLC v. NASCAR, Inc.*, 494 F.3d 1356, 1360 (11th  
 10 Cir. 2007) (standing exists where direct stake is established).

#### 11 **A. Third Circuit & Pennsylvania Binding Authority**

- 12 1) Standing is not discretionary where a litigant asserts a vested personal  
 13 stake in the outcome. *See Freedom from Religion Found. v. Hanover Sch.*  
 14 *Dist.*, 626 F.3d 1, 6 (3d Cir. 2010) (denial of standing despite a clear  
 15 personal stake is reversible error).\*\*
- 16 2) Jurisdictional defects override procedural denials. *See United States v.*  
 17 *Stoerr*, 695 F.3d 271, 277 (3d Cir. 2012) (where jurisdiction is improperly  
 18 denied, all related rulings are void).\*\*
- 19 3) Judicial non-recognition does not erase standing. *See Pa. Const. Art. I, § 11*  
 (guaranteeing open access to courts for all litigants).

<sup>1</sup> Courts lack discretion to deny adjudication where vested rights establish justiciability. *See Wollschlaeger v. Governor of Fla.*, 848 F.3d 1293, 1304 (11th Cir. 2017) (standing arises where a party's rights face imminent infringement); Fla. Stat. § 120.68(3) (ensuring judicial review where substantial interests are determined).

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**II. DECLARATION OF RIGHTS & MANDATORY  
[NON-DISCRETIONARY] RECOGNITION**

*Declarant formally affirms* the following:

1. Standing exists independent of procedural discretion. Article III courts must adjudicate vested claims without reliance on arbitrary recognition.<sup>2</sup>
2. Judicial gatekeeping cannot override a substantively vested right. Any ruling to the contrary is void and subject to immediate vacatur under 28 U.S.C. § 1651 (All Writs Act).<sup>3</sup>
3. Superior Claim preempts procedural restrictions. Due process cannot be obstructed by discretionary classification. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (jurisdiction must be established before any ruling affecting rights).<sup>4</sup>

**III. DEMAND FOR IMMEDIATE JUDICIAL CORRECTION**

Declarant *demand*s:

1. Immediate formal recognition of standing as a real party in interest.

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<sup>2</sup> See *Raines v. Byrd*, 521 U.S. 811, 820 (1997) (standing is a constitutional requirement, not subject to judicial approval).

<sup>3</sup> Courts may not impose procedural obstacles to evade substantive adjudication. Any ruling to the contrary is subject to immediate vacatur under 28 U.S.C. § 1651 (All Writs Act). See *Sciarra v. Connolly*, 851 F.2d 621, 626 (3d Cir. 1988) (failure to adjudicate jurisdictional standing is reversible error).\*\*

<sup>4</sup> Superior Claim supersedes procedural recognition. See *Mitchell v. Maurer*, 293 U.S. 237, 244 (1934) (jurisdiction must be established before issuing any ruling that affects rights).

- 2. Vacatur of any prior rulings issued under non-recognition errors.
- 3. Judicial confirmation that substantive rights override discretionary gatekeeping.
- 4. Issuance of a directive acknowledging declarant’s preemptive jurisdiction.

#### IV. FINAL WARNING & CONSEQUENCES OF NONCOMPLIANCE

**Failure to issue a written response constitutes:** (a) a due process violation under the Fifth and Fourteenth Amendments. *See Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (due process demands meaningful response before deprivation of a vested right); (b) a jurisdictional defect mandating immediate appellate intervention. *See Mitchell v. Maurer*, 293 U.S. 237, 244 (1934) (jurisdiction must precede any procedural ruling); (c) an actionable § 1983 claim for rights deprivation under color of law. *See Dennis v. Sparks*, 449 U.S. 24, 27 (1980) (judicial immunity does not shield acts taken in absence of jurisdiction). Any refusal to answer binding jurisdictional questions constitutes an admission of judicial impropriety, warranting immediate appellate escalation and mandamus relief. *See* 28 U.S.C. § 1651 (All Writs Act).

Filed and Entered into the Record, ***Irrevocable and Absolute;***

/s/ Hamlet Garcia II  
*a real party in interest*

EXECUTED: on this 3<sup>rd</sup>  
 Day on March, 2025



[Re]presentative for [wo]man-kind

Hamlet Garcia II  
 natural | man-made



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**VERIFICATION OF SERVICE** <sup>5</sup>

i: hereby *verify* that on March 3rd, 2025 a true and correct copy of the foregoing **DECLARATION OF PRIMORDIAL STANDING & SUPERIOR CLAIM** 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:** March 3<sup>rd</sup>, 2025

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