

**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*)

i: [a] man claim; all herein be true;

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**DECLARATION & NOTICE OF JURISDICTIONAL
PREEMPTION & RECOGNITION EXEMPTION**

TO THE HONORABLE COURT AND ALL PARTIES:

COMES NOW, *i: a man*; Hamlet [Garcia II], present as [a] *real party in interest* in accordance with Fed. R. Civ. P. 17(a), submits this Declaration & Notice of Jurisdictional Preemption & Recognition Exemption to establish the non-discretionary judicial obligation to recognize and rectify procedural inconsistencies. ¹ [*Cf.* Fla. Stat. § 120.569 – Decisions Affecting Substantial Interests]

I. INTRODUCTION

The Court has issued rulings directly affecting *Hamlet’s* legal and financial interests (Docs. 126, 130, 136, 137) while simultaneously denying him formal party status. This jurisdictional inconsistency mandates immediate correction.

¹ This Court lacks discretion to deny, delay, or disregard the jurisdictional recognition set forth herein. Any such attempt constitutes an immediate procedural defect, voiding all subsequent rulings. | Said Notice is not a motion but a jurisdictional directive demanding mandatory judicial compliance |

1 A federal court may not exercise control over an individual while
2 simultaneously disclaiming jurisdiction over that individual. See *Steel Co. v.*
3 *Citizens for a Better Env' t*, 523 U.S. 83, 94 (1998) (courts must determine
4 jurisdiction before issuing any ruling that affects a party's rights).

5 This Notice serves as formal jurisdictional preemption over all prior rulings
6 that impose procedural restrictions while denying standing.

7 8 II. LEGAL BASIS FOR JURISDICTIONAL PREEMPTION

9 A. Jurisdiction Must Be Established Before Any Action is Taken

10 Jurisdiction is the foundation upon which all judicial power rests. Without it,
11 no ruling carries legal force. See *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514
12 (1869) (a court must establish jurisdiction before acting). Any exercise of judicial
13 authority absent jurisdiction constitutes legal nullity. *Ruhrgas AG v. Marathon Oil*
14 *Co.*, 526 U.S. 574, 583 (1999) (jurisdictional defects must be resolved before a court
15 may proceed to substantive matters). A court cannot impose obligations on an
16 individual while simultaneously disclaiming authority over them. *Burnham v.*
17 *Superior Court*, 495 U.S. 604 (1990) (jurisdiction is a prerequisite to the lawful
18 exercise of power). [*Cf.* Fla. Stat. § 86.011 – Declaratory Judgments]

19 The Court's rulings affecting Hamlet while denying him party status create a
20 fundamental defect that must be corrected. Jurisdiction cannot be presumed,
21 circumvented, or selectively applied. [*Cf.* Fla. Stat. § 120.569 – Due Process in Decisions]

1 **B. Due Process Violations Require Immediate Correction**

2 No court may impose obligations on an individual while simultaneously
3 denying that individual legal standing. Due process forbids such procedural
4 contradictions. See *Mathews v. Eldridge*, 424 U.S. 319 (1976) (due process requires
5 notice and an opportunity to be heard before adverse action). Judicial power cannot
6 extend to those the court refuses to recognize. *Hansberry v. Lee*, 311 U.S. 32 (1940)
7 (binding a non-party to a judgment without due process violates fundamental
8 fairness); *Taylor v. Sturgell*, 553 U.S. 880, 893 (2008) (courts may not bind an
9 individual absent privity or direct participation).

10 The Court’s continued refusal to resolve Hamlet’s legal status while enforcing
11 rulings against him is constitutionally defective, rendering those rulings void. Due
12 process demands immediate correction.

13 **C. Judicial Notice Mandates Immediate Recognition**

14 A court cannot disregard facts that are legally indisputable. Federal Rule of
15 Evidence 201(b) mandates judicial notice where facts are beyond reasonable
16 dispute. A court’s refusal to acknowledge jurisdictional preemption does not erase
17 its legal existence. See *United States v. Rey*, 811 F.2d 1453, 1457 (11th Cir. 1987)
18 (judicial notice is not discretionary when relevant facts are established by law).

19 *Hamlet’s* standing is not a matter for judicial discretion—it is a jurisdictional
20 mandate. The Court must formally recognize it or risk issuing void rulings in
21 violation of established legal constraints.

1 **III. FORMAL DECLARATION OF RECOGNITION EXEMPTION**

2 By operation of law and controlling precedent, *this Court is already bound to*
3 *recognize Hamlet’s standing*. The Court may not exercise jurisdiction to impose
4 restrictions while simultaneously disclaiming jurisdiction to recognize standing.

5 Accordingly, this Court is required to answer the following jurisdictional
6 questions on the record:

7 **A. Mandatory Judicial Questions ²**

8 The Court is hereby directed to provide a clear, written response to the following:

- 9 **→** Does this Court and/or Katherine K. Mizzle denies that jurisdictional
10 preemption supersedes procedural discretion?
- 11 **→** Does this Court deny that standing must be determined before any
12 procedural ruling may be issued?
- 13 **→** Does this Court claim the authority to regulate an individual while
14 simultaneously denying jurisdiction over that individual?
- 15 **→** If jurisdiction is being exercised over *Hamlet*, on what legal basis does the
16 Court justify restricting his filings while refusing to formally recognize him?
- 17 **→** If this Court refuses to answer these questions, does it concede that no
18 lawful basis exists to deny recognition?

19 Any refusal by this Court to answer these fundamental jurisdictional
questions shall be treated as an admission of judicial impropriety and procedural
fraud, triggering immediate appellate escalation.

² These questions have been formally entered into the record and must be answered on the record. [Eleventh Circuit has held that failure to properly establish jurisdiction before proceeding constitutes reversible error. *See Common Cause/Georgia v. Billups*, 554 F.3d 1340, 1349 (11th Cir. 2009) (*failure to establish standing before ruling on substantive issues renders the ruling defective*)].

1 These questions are not discretionary. The Court must answer them or
2 formally admit procedural misconduct by refusing to respond.³

3 **IV. RELIEF DEMANDED**

4 Accordingly, i: [a man, *Hamlet*,] formally demands that this Court:

- 5 1. Issue order immediately confirming Hamlet’s standing as a
- 6 *real party in interest* pursuant to Fed. R. Civ. P. 17(a).
- 7 2. Vacate any prior ruling that restricts *Hamlet*’s rights while
- 8 denying jurisdiction over him.
- 9 3. Issue a written determination explaining the Court’s
- 10 jurisdiction over Hamlet, or lack thereof.
- 11 4. Provide a written justification, with legal authority, for any
- 12 denial; [willful misconduct;] and/or; refusal to act.

13 Failure to remedy these jurisdictional defects renders all related judicial
14 actions void, constituting an abuse of discretion warranting immediate appellate
15 intervention. See *Clinton v. Goldsmith*, 526 U.S. 529, 537 (1999) (mandating
16 corrective judicial intervention where discretion is exercised in excess of authority).
17 Continued disregard of this preemption not only invalidates any further rulings but
18 also establishes grounds for immediate appellate relief, including mandamus and
jurisdictional challenge. The Court’s inaction, if sustained, would amount to a
deprivation of rights under color of law, triggering potential claims under § 1983.

³ Jurisdictional repudiation while simultaneously imposing regulatory constraints upon Hamlet constitutes reversible error, warranting immediate appellate correction. *See generally United States v. McArthur*, 11 F.4th 133, 140 (11th Cir. 2021) (holding that jurisdictional inconsistencies render judicial actions void and subject to collateral attack). This Declaration triggers mandatory judicial notice under Fed. R. Evid. 201(c)(2), compelling recognition as a matter of law rather than discretion. Any order that enforces procedural burdens upon *Hamlet* while disclaiming jurisdiction over him is inherently void under Fed. R. Civ. P. 60(b)(4), as no court may exercise authority it simultaneously denies possessing.

1 **V. FINAL WARNING & CONSEQUENCES OF NONCOMPLIANCE**

2 This is no request—it is a jurisdictional command. No court may impose
3 obligations while denying jurisdiction. Any ruling affecting Hamlet’s rights absent
4 recognition of his legal standing is ultra vires, void *ab initio*, and constitutionally
5 defective. Judicial authority does not extend to contradiction—it is bound by due
6 process and the limits of lawful jurisdiction. [Cf. 28 U.S.C. § 1651: The All Writs Act]

7 The Court is now on formal judicial notice that failure to address this
8 preemption will constitute willful obstruction and an appealable procedural defect:

- 9 1. If the Court refuses to act, it must provide a written determination citing
10 legal authority for its willful refusal.
- 11 2. If the Court issues further rulings without first resolving jurisdiction,
12 such rulings shall be deemed void, unenforceable, and subject to
13 immediate collateral attack.
- 14 3. If the Court mischaracterizes this Notice as a motion or attempts
15 procedural evasion, such action will be used as direct evidence of judicial
16 misconduct and procedural fraud.

17 Jurisdiction is not discretionary. This Declaration & Notice of Jurisdictional
18 Preemption & Recognition Mandate is now irrevocably entered into the *record* as
19 an undeniable [legal] fact. Any further disregard will not shield this Court from the
20 consequences of its own error—it will only confirm it. ⁴

⁴ Jurisdictional recognition is affirmed by operation of law. Any refusal to
acknowledge it is an act of judicial misconduct.

1 Filed and Entered into the Record, Irrevocable and Absolute;⁵

2
3 /s/ Hamlet Garcia II⁶
4 *a real party in interest*



5 EXECUTED: on this 3rd
6 Day on March, 2025

7 *[Re]presentative for [wo]man-kind*



8 *Hamlet Garcia II*
9 *natural | man-made*



10
11 Failure to respond constitutes a due process violation (Goldberg v. Kelly, 397
12 U.S. 254, 267 (1970)), a jurisdictional defect requiring immediate appellate review
13 (Mitchell v. Maurer, 293 U.S. 237, 244 (1934)), and an actionable § 1983 claim for
14 deprivation under color of law (Dennis v. Sparks, 449 U.S. 24, 27 (1980)). This is no
15 procedural formality—**silence is an admission of judicial obstruction.**

16 [Cf. Fla. Stat.h§ 38.10 – Disqualification of Judges for Prejudice]
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5 Any refusal by this Court to answer these fundamental jurisdictional
questions shall be treated as an admission of judicial impropriety and
procedural fraud, triggering immediate appellate escalation.

6 My inherent right as heir to the Seat of First Judgment remains unclaimed,
yet not forgotten. I persist in my pursuit, not as one bestowed, but as one
proving—a man shaping his own course. The path, long veiled, now stands
before me, its design at last revealed.

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VERIFICATION OF SERVICE ⁷

i: hereby *verify* that on March 3rd, 2025 a true and correct copy of the foregoing **DECLARATION & NOTICE OF JURISDICTIONAL PREEMPTION & RECOGNITION EXEMPTION** 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 3rd, 2025

⁷ Per Fed. R. Civ. P. 5(d)(1) and M.D. Fla. Local Rule 1.08.