

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

2:06-cv-444-FtM-34SPC

No. 08-14707-F

No. 08-14708-F

CHRISTIAN F. MEISTER,

Plaintiff-Appellant,

v.

MIKE SCOTT in his official capacity as Sheriff of Lee County, Florida; MIKE SCOTT in his individual capacity as Sheriff of Lee County, Florida; DON HUNTER in his official capacity as Sheriff of Collier County, Florida; each of J.J. CARROLL, RICHARD SNYDER, RYAN JUSTHAM, STEPHAN PIERCE, GENE SIMS, PEDRO J. SOTO, MIKE JOHNSTON, each of the foregoing, jointly and severally,

Defendants-Appellees.

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Appeal from the United States District Court for the
Middle District of Florida

**PLAINTIFF'S MOTION FOR RECONSIDERATION PER
11TH CIR.R. 40-4 RULES RE APPELLATE #08-14707-F**

**PLAINTIFF'S MOTION FOR RECONSIDERATION PER
11TH CIR.R. 40-4 RULES RE APPELLATE #08-14708-F**

Plaintiff Christian F. MEISTER, proceeding Pro Se, (hereinafter "MEISTER") hereby files
PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE

APPELLATE #08-14707-F, and PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14708-F, and Plaintiff states as follows:

1. Plaintiff has filed Plaintiff's Notice of Appeal; U.S. Court of Appeals Docket number 08-14707-F and 08-14708-F.

2. In support of Plaintiff's notices of appeal, the Plaintiff has filed "Affidavit Accompanying Motion or Permission to Appeal in Forma Pauperis," signed on September 26, 2008.

3. The United States Court of Appeals for the Eleventh Circuit has DISMISSED (Doc. # 211, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #198, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14707F. The United States Court of Appeals DISMISSED (Doc. #212, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #199, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14708F.

4. Plaintiff, in support of Plaintiff's notices of appeal, argues that this Court of Appeals has the authority to review the Plaintiff's notices of appeal on the basis of the **United States Constitution's Fourteenth Amendment Equal Protection clause and the Constitution's Seventh Amendment**.

HISTORY OF EVENTS

5. **Extend time**: The District Court DENIED (Doc. # 175, May 30, 2008) the Plaintiff's motion (Doc. # 172, 5/22/2008) to **extend time**, a.k.a. the Plaintiff's "August 4th Notice of Appeal, **Motion for Enlargement**," re the Defendants' motions for summary judgment, i.e., the District Court GRANTED said Plaintiff's motion only "to the extent that the Plaintiff respond, per the Order of the District Court, to the Defendants' motions for summary judgment by June 26, 2008, even though the Plaintiff had requested an extension of time larger than the time granted by

the District court. The District Court DENIED (Doc. #187) Plaintiff's motion (Doc. # 178) for review--a.k.a. motion for reconsideration--of Magistrate's Order (Doc. #175) re Plaintiff's motion (Doc. #172) to extend time. The United States Court of Appeals DISMISSED (Doc. #211, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #198, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14707F.

6. **Stay for six months:** The District Court DENIED (Magistrate's Order Doc. # 175, May 30, 2008) the Plaintiff's motion (Doc. # 172, 5/22/2008) to **stay litigation for six months** re the Defendants' motions for summary judgment, a.k.a. the Plaintiff's "August 4th Notice of Appeal, **Motion for Stay**," i.e., the District Court GRANTED said Plaintiff's motion only "to the extent that the Plaintiff respond, per the Order of the District Court, to the Defendants' motions for summary judgment by June 26, 2008, even though the Plaintiff had requested an extension of six months. The District Court DENIED (Doc. #187) Plaintiff's motion (Doc. #178) for review of Magistrate's Order (Doc. #175) re Plaintiff's motion (Doc. #172) to stay for six months. The United States Court of Appeals DISMISSED (Doc. #211, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #198, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14707F.

7. **Appoint counsel:** The District Court DENIED (Doc. # 175) the Plaintiff's motion (Doc. # 172) to **appoint counsel**, a.k.a. the Plaintiff's "August 4th Notice of Appeal, **Motion for Attorney**." The District Court DENIED (Doc. #, 2008) the Plaintiff's motion (Doc. #178, 6/20/2008) for review of the Magistrate's Order (Doc. #175). The District Court DENIED (Doc. #187) Plaintiff's motion (Doc. #178) for review of Magistrate's Order (Doc. #175) re Plaintiff's motion (Doc. #172) to appoint counsel. The United States Court of Appeals DISMISSED (Doc. #211, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #198, 8/4/2008) re the

District Court's Order (Doc. #187), appellate #08-14707F.

8. **Secure deposition transcripts:** The District Court DENIED (Magistrate's Order, Doc. # 175) the Plaintiff's motion (Doc. # 172) for the release of deposition transcripts, a.k.a. the Plaintiff's "August 4th Notice of Appeal, **Motion for Transcripts.**" The District Court DENIED (Doc. #187) Plaintiff's motion (Doc. # 178) for review of Magistrate's Order (Doc. #175) re Plaintiff's motion (Doc. #172). The United States Court of Appeals DISMISSED (Doc. #211, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #198, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14707F.

9. **Excess pages, appellate #08-14708F:** The District Court denied (Magistrate's Order Doc. # 147, March 11, 2008) the Plaintiff's motion (Doc. # 131) for leave to exceed the **page limit** re the Plaintiff's response to Defendants' motions to dismiss, a.k.a. the Plaintiff's "August 4th Notice of Appeal, **Motion for Page Limit.**" The District Court DENIED (Doc. #187, 7/25/2008) Plaintiff's motion (Doc. #151, 4/7/2008) for review of the Magistrate's Order (Doc. # 147) re Plaintiff's motion (Doc. #131, 2/11/2008) for **leave to file excess pages**. The United States Court of Appeals DISMISSED (Doc. #212, 9/29//2008), sua sponte, the Plaintiff's notice of appeal (Doc. #199, 8/4/2008) re the District Court's Order (Doc. #187), appellate #08-14708F.

10. The District Court DENIED (Doc. # 161, 4/18/2008) the Plaintiff's **motion** (Doc. # 149)--the Plaintiff's motion of which is essentially a response to the Court's Orders re Defendants motions to compel discovery responses re Doc. # 145 (re Defendant Scott, Order, 3/10/2008), Doc. #142 (re Defendant Justham, Order, 3/7/2008), Doc. #144 (re Defendant Pierce, Order, 3/7/2008), Doc. #146 (re Defendant Scott, Order 3/10/2008), Doc. #143 (re Defendant Snyder, Order, 3/7/2008) [FN-0241]--**to order the Defendants to serve** the Plaintiff with Defendants motions to compel **pursuant to the Rules or quit** and show cause why the Defendants have

failed to serve according to the Rules thereby prejudicing the Plaintiff's protected rights. The District Court DENIED (Doc. #183, 7/16/2008) the Plaintiff's motion (Doc. #162, 4/25/2008) for review of Magistrate's Order (Doc. #161). The United States Court of Appeals DISMISSED (Doc. #210, 9/2/2008), sua sponte, the Plaintiff's notice of appeal (Doc. #188, 7/25/2008), appellate #08-14353F.

[FN-0241] The issues concerning Defendant Snyder's motion (Doc. #136, 2/14/2008) to compel discovery responses and the related Orders have been resolved. The Orders related to Defendant Snyder's motion to compel discovery responses are Doc. #143, 3/7/2008 (Order, granting); Doc. #168, 5/14/2008 (Plaintiff's notice of service); Doc. #169, 5/22/2008 (Motion to compel by Snyder); Doc. #176, 6/6/2008 (Plaintiff's response); Doc. #177, 6/11/2008 (Order, stating that Plaintiff has up to 6/30/2008 to provide full responses); Doc. #180, 6/30/2008 (Notice of service of Plaintiff's response to June 11, 2008, order)

* * *

11. Plaintiff hereby incorporates Plaintiff's Exhibit 1, a.k.a. Doc. #08-0604-1256 and any facts and/or arguments contained therein.

12. Plaintiff hereby incorporates Plaintiff's Exhibit 2, a.k.a. Doc. #08-0813-1607 and any facts and/or arguments contained therein.

13. Any and all facts and arguments contained in footnotes are fully incorporated herein.

ARGUMENT

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I. ARGUMENTS APPLICABLE TO ALL ISSUES, AS HEREIN STATED RE APPELLATE #08-14707-F AND #08-14708-F

(**Whether**) The United States Court of Appeals has jurisdiction to decide over matters that involve a violation of the United States Constitution Seventh and Fourteenth Amendment's Equal Protection clause because the operative basis for any rule by which even the District Court has to abide are the mandates set forth by the United States Constitution.

Therefore, in that the District Court did not follow the Constitutional mandates in which all persons are entitled to a fair jury by trial and to equal treatment under the law, and, additionally, in that the Federal Rules of Civil Procedures and/or any applicable Local Rules are Unconstitutional, and in that the Plaintiff argued the same in the Plaintiff's applicable motions filed in the United States District Court, the United States Court of Appeals is required to review the District Court's decision to deny the Plaintiff's motions concerning the frames of time in which to respond ("**Motion for Enlargement**," related motion), ("**Motion for Stay**," related motion), ("**Motion for Attorney**," related motion), concerning the maximum number of pages allowed ("**Motion for Page Limit**," related motion), and concerning the Plaintiff "**Motion for Transcripts**, and concerning the Plaintiff's "**Motion for Attorney**." The manner in which the Plaintiff, proceeding In Forma Pauperis, is placed into an unequal position is oppressive and Unconstitutionally unequal.

(**Whether**) Furthermore, the Appeals Court has the jurisdiction to decide over matters that involve a violation of the Seventh and Fourteenth Amendment's Equal Protection clause because the issues at hand are issues that may require the involvement of the United States Supreme Court, the involvement of which may be required in that a precedent for the issues may not exist.

II. ISSUE: (**Whether**) The United States Court of Appeals for the Eleventh Circuit has jurisdiction over the issues before this Court because the Plaintiff--re appellate #08-14707-F re the District Court's Denial of the Plaintiff's "**Motion for Enlargement**;" re appellate #08-14707-F re the District Court's Denial of the Plaintiff's "**Motion for Stay**," re appellate #08-14708-F re the District Court's Denial of the Plaintiff's "**Motion for Page Limit**"--is placed into an unequal position the position of which prejudices the Plaintiff because the Fourteenth Amendment's Equal

Protection clause requires that all people be treated equally under the law in that **the Plaintiff** **needs more time** in order to craft the documents in which to respond and in that **the Plaintiff** **needs an additional amount of pages** in which to complete the documents because he is not capable of otherwise completing the documents and in that an attorney IS (emphasis added) capable of crafting such documents, the Plaintiff is unequally treated in that the Defendants are represented by an attorney where the Plaintiff is not.

Plaintiff Meister, who is not a trained attorney, is further unequally treated because the Seventh Amendment requires that all people are entitled to a fair trial, even those plaintiffs who are not capable [FN-0434] of crafting the required documents within the same or similar amount of time than an attorney is capable of crafting them.

[FN-0434] The Plaintiff's capabilities are not necessarily related to the Plaintiff Pro Se status, but such capabilities and limitations thereof are merely a point in that the Plaintiff is not a trained attorney, and, therefore, he is limited in his capabilities. Moreover, even an attorney could proceed Pro Se; hence, the Plaintiff's Pro Se status is, to that extent, irrelevant, the point of which also addresses one of the Defendants' argument.

* * *

The District Court's decision in which to deny the Plaintiff's requests related to the issues of length of time and length of documents forecloses the Plaintiff's opportunities to receive a fair trial, deprives the Plaintiff of his Equal protection rights, and it is Unconstitutional.

Furthermore, the District Court's reliance on the Federal Rules of Civil Procedure is Unconstitutional to the extent that the Federal Rules of Civil Procedure and Local Rules, to the extent that its time boundaries and page limitations are applied to a plaintiff who--such as Plaintiff Meister--is not capable of crafting the required documents in the pertinent manner are Unconstitutional in that these Rules violate the protections of the Fourteenth and Seventh Amendment.

III. ISSUE: (Whether) the United States Court of Appeals for the Eleventh Circuit has Eleventh Circuit has jurisdiction over the issues before this Court because the Plaintiff--re appellate #08-14707-F re the District Court's Denial of the Plaintiff's "**Motion for Attorney**"--is placed into an unequal position, the position of which prejudices the Plaintiff because the Fourteenth Amendment's Equal Protection clause requires that all people be treated equally under the law and because the Seventh Amendment guarantees that all people receive a fair trial by jury concerning the conduct of the Defendants in which they have applied extensive intimidation tactics against the Plaintiff, and more, as argued and stated in the Plaintiff's pertinent motions filed with the District Court.

IV. ISSUE: (Whether) the United States Court of Appeals for the Eleventh Circuit has jurisdiction over the issues before this Court because the Plaintiff--re appellate #08-14707-F re the District Court's Denial of the Plaintiff's "**Motion for Transcripts**"--is placed into an unequal position, the position of which prejudices the Plaintiff because the **Fourteenth Amendment's Equal Protection clause** requires that all people be treated equally under the law in that **the Plaintiff is entitled to receive the deposition transcripts** even though he cannot afford to pay for them where the deposition transcripts can be made available through the Defendants because the Plaintiff is not capable of otherwise obtaining the transcripts which are relevant to receiving a fair trial. The Plaintiff is entitled to receive the deposition transcript at no cost to the Plaintiff in that the Defendants are capable of obtaining said deposition transcripts because they have the funds to pay for them in that the Defendants are a governmental entity and in that to deprive the Plaintiff of the receipt of the transcripts at no cost to the Plaintiff where the Plaintiff does not have the funds to pay for them and where said transcripts already are in the possession of the Defendants is to deprive the Plaintiff of the rights inherent in the **Fourteenth Amendments'**

Equal Protection clause.

"The additional argument of illegal and double taxation"

V. ISSUE: (Whether) the United States Court of Appeals for the Eleventh Circuit has jurisdiction over the issues before this Court because the Plaintiff--re appellate #08-14707-F re the District Court's Denial of the Plaintiff's "**Motion for Transcripts**"--is placed into an unequal position, the position of which prejudices the Plaintiff because the **Fourteenth Amendment's Equal Protection clause** requires that all people be treated equally under the law in that **the Plaintiff is entitled to receive the deposition transcripts** because the Plaintiff has already paid for the deposition transcripts to the extent that the Plaintiff is a taxpayer and to the extent that the deposition transcripts have been paid for by United States taxpayers' money. This, violates any applicable taxation laws of the United States, and, additionally, violates the Plaintiff's right to receive equal treatment under the law, thereby depriving the Plaintiff of the Equal Portection clause in that the Defendants have received the deposition transcripts where the taxpayers have paid for them and where the Plaintiff has not received the deposition transcripts where the taxpayers have paid for them and where the Defendants are refusing to provide Plaintiff Meister with the deposition transcripts. The manner in which the Plaintiff, proceeding **In Forma Pauperis**, is placed into an unequal position is oppressive and Unconstitutionally unequal [FN-0533].

[FN-0533] Defendants have the ability to pay for the deposition transcripts because the Defendants have the funds to do so because they are a governmental entity, i.e., the Defendants are capable of obtaining such transcript through taxpayers' funds, have done so, and they are now refusing to provide same to the Plaintiff.

* * *

The Plaintiff is a taxpayer and a United States citizen; he is entitled to the deposition transcripts which are in the control of a governmental entity. In that the Plaintiff is a taxpayer, and, in that the Defendants have already, by means of taxpayers' funds, obtained the pertinent

deposition transcript, and in that the Plaintiff, as such, has, essentially, already, paid for such transcripts, the Defendants are to release the deposition transcripts at no additional cost to the Plaintiff. In that the Plaintiff is proceeding In Forma Pauperis, the conduct by the governmental entity is even further oppressive.

The Federal Rules of Civil Procedure and/or Local Rules, to the extent that they foreclose the Plaintiff's opportunities to receive at no additional cost the deposition transcripts which are already in the possession of the governmental entity LCSO, are Unconstitutional. The Rules violate any such applicable and pertinent laws, rights, privileges and immunities concerning the taxation of a United States resident, the protections of which Plaintiff Meister is entitled to enjoy.

Extensions of time, generally: Plaintiff Meister, is to be afforded not only an extension of time but an extraordinary amount of time because he is not a trained attorney, because is is not capable person to craft the required documents as herein outlined and as stated in the Plaintiff's pertinent motions filed in the District Court. Furthermore, the Federal Rules of Civil Procedure and/or Local Rules are designed for attorneys, and they place a person who is not capable of crafting the required documents in an unequal and Unconstitutional position.

In conclusion, the issues outlined herein are ripe for an appeal, and more. The appeal, as such, is of priority concern in order to protect the Plaintiff's Constitutionally mandated rights. The Plaintiff, who is proceeding without a professional attorney, is as equally entitled to a fair trial by jury than the Defendants are who are represented by an attorney.

To delay the appealable issue until a later stage, be it at trial or an Order in response to a summary judgment motion, is to additionally and severely prejudice the Plaintiff, in part, because this will force the Plaintiff into a position in which he is "forced" to submit incomplete documents and pleadings.

In this action, the interests of justice will be served by Granting the Plaintiff's Instant Motions, in order to complete the necessary tasks and to bring this lawsuit to a just conclusion. Relief is appropriate under the circumstances.

WHEREFORE, based upon the foregoing, Plaintiff MEISTER, proceeding Pro Se, hereby requests that this Court Grant PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14707-F, and PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14708-F, and such other and further relief as is deemed appropriate by this Court.

RESPECTFULLY SUBMITTED,

CHRISTIAN F. MEISTER, Pro Se

CHRISTIAN F. MEISTER
P.O. Box 60662
Fort Myers, Florida 33906
786-390-4985

Date: October 7, 2008

CERTIFICATE OF SERVICE

I certify that a copy of the document has been served, by First Class, United States Mail, properly addressed and postage prepaid, to the following counsel of record: Robert C. Shearman, Post Office Box 280, Fort Myers, Florida 33902-0280; Richard M. Pierro, Mark E. Levitt, 324 S. Hyde Park Avenue, Suite 225 Tampa, Florida 33606-4127

Date: October 7, 2008

CHRISTIAN F. MEISTER, Pro Se

444-chr-08-1001-1940-n-08-1007-1406