

**IN THE  
SUPREME COURT OF THE UNITED STATES**

**CASE NO. 2:06-cv-444-FtM-34SPC**

**CHRISTIAN F. MEISTER,**

**Petitioner,**

**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,**

**Respondents.**

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**PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION**

CHRISTIAN MEISTER, proceeding Pro Se (hereinafter "MEISTER"), hereby petitions this Court for issuance of a writ of certiorari to review the decision of the United States Court of Appeals for the United States District Court for the Middle District of Florida, Fort Myers Division.

**Questions Presented for Review**

**I.**

At issue in this case is the constitutionality of the Federal Rules of Civil Procedures, Local Rules, "Local Local" Rules, the United States laws pertaining to taxation (IRS, etc.), as well as the laws of the State of Florida and the County of Lee pertaining to taxation, and whether

a party in an action of law (plaintiff) is entitled to receive deposition transcripts free of any charge where a party in an action of law (defendant) is a governmental entity which has (already) funded the expenses for the transcripts (the governmental entity had ordered and received from the firm that had created the transcripts) with taxpayers' money and where the party (plaintiff) is a taxpayer because the taxpayer has, in essence, already paid for the transcripts, and whether to bill the litigating taxpayer (plaintiff) in order to pay for the transcripts for which the governmental entity had already billed taxpayers and received payment is to require the taxpayer (plaintiff) to pay taxes doubly, the double taxation of which is unconstitutional, and whether the District Court therefore is required to Order the governmental entity (defendant) to provide the taxpayer (plaintiff) with the transcripts at no cost to him or her.

If deciding in favor of Plaintiff MEISTER, the United States Supreme Court will establish a precedent in which a governmental entity (defendant), which funds its expenses-- including any and all expenses in an action of law against the entity--from taxpayers' money, is precluded from doubly charging a litigating taxpayer (plaintiff) for costs incurred arising out of the consequences of an action of law by a taxpayer (plaintiff) against the governmental entity (defendant). If deciding in favor of the Plaintiff, United States Supreme Court will establish a precedent in which a governmental entity is precluded from doubly charging a litigating taxpayer (plaintiff) for any and all costs and fees, including attorneys fees, etc., where such costs have, as stated, already been paid for by taxpayers.

## II.

As a separate question, at issue in this case is the constitutionality of the Federal Rules of Civil Procedure and the District Court's Local Rules or Local "Local" Rules which require that a party in an action of law craft a legal document within (1) a limited amount of time, (2) within a

limited number of pages, and (3) conform to an (alien) legalese style, the Rules of which strip a party in an action of law (plaintiff) of his equal rights secured by the Fourteenth Amendment's Equal Protection Clause where the party in an action of law is a proceeding pro se, is not a licensed attorney, has not graduated from law school, is not capable of crafting the legal documents within the limited amount of time and within the limited number of pages set by the Rules, and is not capable of conforming to the legal style to which attorneys have trained and practiced to conform, where a party in an action of law (defendant) is represented by a licensed attorney and where the pro se party needs an additional amount of time and an additional number of pages in which to craft the required legal documents because the pro party is not capable of otherwise creating the required document where the defendant who is represented by counsel is capable.

If deciding in favor for Plaintiff MEISTER, the United Supreme Court will establish a precedent in which pro se parties who are not attorneys are given the additional and necessary amount of time and number of pages in which they can complete the required legal documents. This precedent will, generally, place pro se parties in a more equal position. (It is apparent that a pro se party is inherently disadvantaged in the constitutional sense where the opposing party is maneuvering through litigation with the assistance of an attorney.) This precedent will place pro se parties in a more equal position to the extent that pro se parties who are given the additional amount of time and number of pages are being spared from incurring prejudicial additional costs and time on prejudicial activities arising out of the necessity of re-filing a Dismissed complaint.

### **III.**

As a separate issue, the question presented for review is whether the District Court erred by not requiring the Defendant to mail the deposition transcripts that had been filed by the

Defendants with the District Court. Rules indicate that parties in an action of law must mail to the opposing party (and certify the mailing) via First Class United States Postal Service Mail (or equally or better) a copy of the documents filed with the District Court. In the case at bar, the Defendants have filed a portion of the deposition transcripts in the Defendant governmental entity's possession with the District Court, but the Defendants did not mail the transcripts filed to the Plaintiff.

#### **IV.**

At separate issue in this case is whether the Plaintiff's Fourteenth Amendment's Procedural Due Process rights, the Plaintiff's Fourteenth Amendment's Equal Protection rights, and the Plaintiff's Seventh Amendment's rights are violated because the District Court has denied the Plaintiff's Motion to have counsel appointed to him where the Defendants are represented by counsel and where the Plaintiff is proceeding Pro Se, where the Plaintiff is not capable of crafting the required documents within the number of pages and the amount of time proscribed by the District Court and/or the Local Rules, "Local Local" Rules or the Federal Rules of Civil Procedure and where the District Court has denied the Plaintiff's Motion to exceed the number of pages and the amount of time proscribed so that the Plaintiff can file the required documents.

#### **Jurisdiction**

The decision of the United States Court of Appeals for the United States District Court for the Middle District of Florida was entered on September 25, 2008. Petitioner filed (Signed and mailed by Petitioner October 7, 2008) a timely request--(1) Plaintiff's Motion for Reconsideration per 11th Cir.R. 40-4 Rules Re Appellate #08-14707-F, and (2) Plaintiff's Motion

for Reconsideration per 11th Cir.R. 40-4 Rules Re Appellate #08-14708-F. The petition for review was denied by Orders dated November 6, 2008, re Appellate #08-14707-F, and Appellate #08-14708-F.

The United States Supreme Court has jurisdiction to review. See **Cohen v. Beneficial Industrial Loan Corp.**, 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed. 1528 (1949) (**Cohen** " . . . allows some appeals prior to final judgment.") Citing **Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, \*373, 101 S.Ct. 669, \*\*672. The Court in **Firestone** stated that "[T]he propriety of a district court's denial of a disqualification motion will often be difficult to assess until its impact on the underlying litigation may be evaluated, which is normally after final judgment," thereby indicating that a district court's order may be "immediately appealable" where the "propriety of [the] District Court's Denial" of an Order is not "difficult to assess." **Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, \*369, 101 S.Ct. 669, \*\*670. 449 U.S. 368, \*369, 101 S.Ct. 669, \*\*671. ("The propriety of a district court's denial of a disqualification motion will often be difficult to assess until its impact on the underlying litigation may be evaluated, which is normally after final judgment, and should the court of appeals conclude \*369 after the trial has ended that permitting \*\*671 continuing representation was prejudicial error, it would retain its usual authority to vacate the judgment appealed from and order a new trial. Pp. 673-676."). The propriety of the District Court's Denial of Plaintiff Meister's motions is not difficult to assess because it is blatantly obvious that the Plaintiff is deprived of his basic, Fourteenth Amendment's equal and procedural due process protections where the Plaintiff, proceeding Pro Se, has presented the issues to the District Court, and where the Court has foreclosed the Plaintiff his right to usurp that number of pages and that amount of time necessary in order to craft the required documents and where the Court has thus prevented the Plaintiff from filing the

documents. The District Court's Orders are therefore appealable final decisions.

The Court in *Firestone* has stated that ". . . an order does not fall within the 'collateral order' exception of **Cohen v. Beneficial Industrial Loan Corp.**, 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed. 1528, to the requirement that all appeals under § 1291 must await final judgment on the merits in the underlying litigation [and that the] Petitioner has made no showing, as required under the Cohen doctrine of immediately appealable 'collateral orders,' that an order denying disqualification is effectively unreviewable on appeal from a final judgment on the merits," thereby indicating that an order is or may be "immediately appealable" where an order is "effectively unreviewable on appeal from a final judgment on the merits."

In the case at bar, the District Court's Order concerning the denial of the Plaintiff's motions to usurp a larger number of pages and a larger amount of time is effectively unreviewable on appeal because the Plaintiff is entitled to the basic Constitutional rights throughout litigation and not merely at the end of it. **Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, 101 S.Ct. 669. While the Court in **Cohen** addressed an important, if not equally important, issue—an attorney conflict of interest--the Plaintiff Meister's rights involve the Gravamen of Constitutional rights. Neither the Court in *Cohen* nor the Court in *Firestone* addressed an issue so fundamental—a plaintiff's right to be enabled (by the discretion of the Court) to maneuver throughout the entire litigation (and not just at that point at which the litigation is about to end) and, for example, to file the necessary documents regardless of whether the plaintiff is trained to conform to the legal style (--the number of pages and the amount of time--) to which attorneys have trained and practiced to conform, and regardless of whether one party is proceeding pro se and the other is represented by a licensed attorney. **Firestone Tire & Rubber Co. v. Risjord**. ("Orders denying motions to disqualify opposing party's counsel in a

civil case are not appealable final decisions under § 1291. Such an order does not fall within the “collateral order” exception of **Cohen v. Beneficial Industrial Loan Corp.**, 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed. 1528, to the requirement that all appeals under § 1291 must await final judgment on the merits in the underlying litigation.”).

The United States Supreme Court has jurisdiction to review because the District Court's Order " . . . constituted a final determination of a claim 'separable from, and collateral to,' the merits of the main proceeding, because it was 'too important to be denied review,' and because it was 'too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.' " **Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, \*373, 101 S.Ct. 669, \*\*672. 449 U.S. 368, \*375, 101 S.Ct. 669, \*\*674 (Citing **Community Broadcasting of Boston, Inc. v. FCC**, 178 U.S.App.D.C. 256, 546 F.2d 1022 (1976); **Cord v. Smith**, 338 F.2d 516 (CA9 1964).) ("We held that the Court of Appeals properly assumed jurisdiction of the appeal pursuant to § 1291 because the District Court's order constituted a final determination of a claim 'separable from, and collateral to,' the merits of the main proceeding, because it was 'too important to be denied review,' and because it was 'too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.' ") In **Cohen v. Beneficial Industrial Loan Corp.**, "Cohen was a shareholder's derivative action in which the Federal District Court refused to apply a state statute requiring a plaintiff in such a suit to post security for costs. The defendant appealed the ruling without awaiting final judgment on the merits, and the Court of Appeals ordered the trial court to require that costs be posted." In the case at bar, the Federal District Court Denied the Plaintiff his basic Constitutional rights, which are "too important to be denied review" and because these Constitutional rights are "too independent of the cause itself to require that appellate

consideration be deferred until the whole case is adjudicated." The Plaintiff's protected equal protection and procedural due process rights are "separable from" and "collateral to" the merits of the main proceeding, because Plaintiff Meister, proceeding Pro Se, has a fundamental entitlement to move throughout the ENTIRE litigation (emphasis added) (and not just at that point at which the litigation is about to end) with the Constitutional protections in place THROUGHOUT.

Furthermore, the Court in **Firestone Tire & Rubber Co. v. Risjord** indicated that "[t]he Court of Appeals may . . . permit an appeal to be taken . . . " where " . . . an order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation . . . " **Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, \*372, 101 S.Ct. 669, \*\*672 (The District Court certified its pretrial order on disqualification for interlocutory appeal pursuant to 28 U.S.C. § 1292(b), which provides in relevant part: "When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing such order. The Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from such order...."). In the case at bar, an immediate appeal will advance the ultimate termination of the litigation. Else, the Plaintiff's litigation, without the equal and due process protections in place, will only and foreseeably end with prejudice against the Plaintiff.

See also **Cohen v. Beneficial Industrial Loan Corp.** (Holding that "a 'small class' of orders that did not end the main litigation were nevertheless final and appealable.") Citing

**Firestone Tire & Rubber Co. v. Risjord**, 449 U.S. 368, \*373, 101 S.Ct. 669, \*\*672. The Court also stated that "**Cohen** did not establish new law; rather, it continued a tradition of giving § 1291 a 'practical rather than a technical construction.' Ibid. See, e. g., **United States v. River Rouge Improvement Co.**, 269 U.S. 411, 413-414, 46 S.Ct. 144, 70 L.Ed. 339 (1926); **Bronson v. LaCrosse & Milwaukee R. Co.**, 67 U.S. 524-531, 2 Black 524, 530-531, 17 L.Ed. 347 (1863); **Forgay v. Conrad**, 47 U.S. 201, 203, 6 How. 201, 203, 12 L.Ed.2d 404 (1848); **Whiting v. Bank of the United States**, 38 U.S. 6, 15, 13 Pet. 6, 15, 10 L.Ed. 33 (1839)."

### **Constitutional Provisions and Statutes**

Fourteenth Amendment, Equal Protection Clause, United States Constitution

Fourteenth Amendment, Due Process Clause, United States Constitution

Seventh Amendment, United States Constitution

(Applicable) Taxation laws, IRS

(Applicable) Taxation laws, United States

(Applicable) Taxation laws, State of Florida

(Applicable) Taxation laws, County of Lee

### **Statement of the Case**

#### **I. Decisions Below**

The opinion of the United States District Court, Middle District of Florida, Fort Myers Division, and the United States Court of Appeals for the United States District Court for the Middle District re #08-14707-F and re #08-14708-F.

#### **II. Factual Background**

Petitioner herein incorporates the facts and arguments contained in the previously filed

PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14707-F, and the PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14708-F. Petitioner also herein incorporates the facts and arguments contained in any other of the previously filed documents relevant to Appellate #08-14707-F, and Appellate #08-14708-F.

### **Reasons for Granting the Writ**

(1) A plaintiff who is litigating has the inalienable Constitutional right to be given that amount of (reasonable) time necessary in which the plaintiff CAN craft (emphasis added) the certain documents that are required to be filed in order to bring the action of law to a fair and just conclusion where the plaintiff is proceeding without an attorney, a.k.a. a person who is proceeding pro se, and especially where the defendants are represented by an attorney. (Hereinafter referred to as the "Inalienable Right to Use the Amount of Time Necessary," or "**Ira-Time**").

(2) A plaintiff who is litigating has the inalienable Constitutional right to usurp that amount of pages necessary in which the plaintiff CAN express (emphasis added) all of the issues in an action of law in the required documents where the plaintiff is proceeding without an attorney, and especially then where the defendants are represented by an attorney (Hereinafter referred to as "Inalienable Right to Use the Amount of Pages Necessary," or "**Ira-Pages**").

(3) A plaintiff who is litigating has the inalienable Constitutional right to receive materials or documents which are in the possession of a governmental entity free of charge to the extent that the governmental entity defendant has already paid for the documents with taxpayers money and to the extent that the plaintiff is a taxpayer; else, the plaintiff is deprived of his right

to be free of double taxation; else, the plaintiff is deprived of his Fourteenth Amendment's Equal Protection right where the governmental entity is favored by the court to the extent that the defendant has obtained the deposition transcripts (and has possession of them) by paying for them with taxpayers' money and where the plaintiff (who does not have possession of them) is (essentially) required to obtain the deposition transcripts by paying for them for a second time to the extent that he, as a taxpayer, had already paid for them.

(4) Inasmuch as parties in an action of law are required to serve the documents they are filing with the court, such parties should be required to also serve the opposing parties the deposition transcripts where such documents are to be filed with the court.

(5) Petitioner Meister refers to the previously filed PLAINTIFF'S MOTION FOR RECONSIDERATION PER 11TH CIR.R. 40-4 RULES RE APPELLATE #08-14707-F, in which the Petitioner has requested that the District Court appoint him an attorney, the request of which was denied by the Court of Appeals. Petitioner Meister also refers to the facts and arguments contained in any other of the previously filed documents relevant to Appellate #08-14707-F, in support of Meister's request to have an attorney appointed.

**I. The Decision of the Court of Appeals (and the District Court) Conflicts with the United States Constitution Fourteenth Amendment's Equal Protection Clause**

By the Decision of the Court of Appeals, the pro se plaintiff is foreclosed the opportunity to use the amount of time (Ira-Time) and the amount of pages (Ira-Pages) necessary, the pro se plaintiff is deprived of the Constitutionally protected Fourteenth Amendment Equal Protection Right because the plaintiff, proceeding pro se, (A) cannot complete the certain and required documents in the (shorter) amount of time (Ira-Time), whereby the defendant who is represented by a professional counsel can, (B) because the plaintiff, proceeding pro se, cannot complete the certain and required documents by using a lesser amount of pages (Ira-Pages), whereby the

defendant, who is represented by a professional counsel, can complete them.

The plaintiff--in this case Plaintiff Meister--is treated unequally in the Constitutional sense because (1) the defendants who are represented by professional attorneys--in this case the Defendants represented by Counsel Shearman and Counsel Pierro--can complete the required documents within a shorter amount of time, and because (2) the Plaintiff who is proceeding Pro Se needs to have a (considerably) larger amount of time in which to complete the required documents.

To not give a plaintiff who is proceeding pro se (who is not an attorney) an opportunity to complete the required documents (as he or she is Constitutionally entitled to complete them to the satisfaction of the plaintiff) by giving the plaintiff as much time as is necessary, results in unequal and Unconstitutional treatment.

Similarly, the plaintiff--in this case Plaintiff Meister--is treated unequally in the Constitutional sense because (1) said Defendants can complete the required documents by using a lesser amount of pages, (2) because Plaintiff Meister needs to usurp a (considerably) larger amount of pages in which to complete the required documents. To not give a plaintiff who is proceeding pro se (who is not an attorney) an opportunity to complete the required documents by giving the plaintiff as many pages as are necessary, results in unequal and Unconstitutional treatment.

The Undersigned makes the additional, distinct argument: The very Federal Rules of Civil Procedure are Unconstitutional where by the application of the Federal Rules of Civil Procedure a party in an action of law is "forced" to comply by these Rules where the party, proceeding pro se, is not an attorney but a layman litigant. In the case at bar, the Court of Appeals (and the District Court) has presumably relied on the Federal Rules of Civil Procedure,

the civil procedures of which are Unconstitutional to the extent stated herein.

Likewise, any Local or "Local Local" Rules which have the effect of restricting the amount of time or the amount of pages in which a party might be permitted to complete a required document, are Unconstitutional to the herein stated extent.

Additionally, any extensions granted by the court to the extent they are granted in a manner in which they are typically granted to ATTORNEYS (emphasis added) by (1) giving attorneys (only) a considerably small amount of additional time, (2) by giving attorneys (only) a considerably small amount of additional pages in which to complete certain documents, are Unconstitutional because these limited extensions granted by the court still do not provide the party who is proceeding without an attorney (who is not an attorney) the Constitutional protections the party is entitled to receive under the law, to the extent stated herein.

As such, the very (1) Federal Rules of Civil Procedure, (2) the Local Rules, (3) the "Local Local" Rules, (4) the extensions of time granted as herein stated, (5) the extensions of pages granted as herein stated, are Unconstitutional to the extent stated herein, where these Rules or Orders (of extensions) are applied to a party who is proceeding pro se (who is not an attorney).

In yet other words, to grant parties who are represented by counsel and those who are not represented by counsel both the same or similar amount of time or the same or similar amount of pages in which to complete a required document is to prejudice the party who is proceeding pro where the pro se litigant is not capable of crafting the documents within the limitations of pages and time.

## **II. The Decision of the Court of Appeals (and the District Court) Conflicts with the United States Constitution's Seventh Amendment**

Additionally, by the Decision of the Court of Appeals, by the decision of which the pro se

plaintiff is foreclosed the opportunity to use that amount of time (**Ira-Time**) and to use that amount of pages (**Ira-Pages**) necessary, the pro se plaintiff is foreclosed of an opportunity to receive a fair trial by jury, which is in violation of the United States Constitution's Seventh Amendment.

The argument is simply this: Where a pro se party is required to "hurry up and write," where a pro se party is "forced" to file a required document re Ira-Pages, the pro se party will suffer irreparably EVEN WHEN (emphasis added) the party's case proceeds to trial. This is so because the plaintiff's case, by the time it gets to trial will be jeopardized by too many flaws, by the party's lack of own knowledge, the knowledge of which the party was foreclosed to attain (by the court) because he or she was not given that amount of time necessary in which the party could have--had he been given the opportunity--attained the knowledge to be in a better position to represent himself. (For example, a party, in order to oppose a defendant's motion for summary judgment, would need to have the additional amount of time necessary in order to acquire the knowledge necessary in order to defeat the motion for summary judgment; else, the party might not be capable of bringing the case before a jury.)

Hence, to hold the pro se party (who is not an attorney) to the same standard than a party who is represented by a professional counsel, is to foreclose the pro se party's opportunities to be treated equally in the Constitutional sense.

**III. The Decision of the Court of Appeals (and the District Court) Conflicts with the United States Constitution Fourteenth Amendment's Equal Protection Clause, the Seventh Amendment, and any applicable Taxation laws (IRS)**

By the Decision of the Court of Appeals (and the District Court) by which the pro se plaintiff is foreclosed of the opportunity to receive the necessary deposition transcripts from the defendant to the extent that (1) the plaintiff is entitled to receive them from the defendant in that

a party in an action of law is required to serve (and even provide a certificate that it has served) to the opposing parties documents that are filed with the court, (2) to the extent that the defendant, who is a governmental entity, the entity of which is funded by taxpayers' money, has ALREADY (emphasis added) paid for the deposition transcripts and that to require the plaintiff (merely by telling him to obtain and pay for his own transcripts when those transcripts already are in the possession of the defendant) would be to doubly tax the plaintiff in that he is a taxpaying resident, the very issue of double taxation of which is Unconstitutional, in violation of any applicable laws of taxation and/or IRS-related taxation laws.

The Defendants currently have in their possession certain deposition transcripts. The Defendants also have filed a motion for summary judgment, the motions of which make references to the deposition transcripts.

In the case at bar, as it is the case in any other case, the parties are required to mail the documents which are filed with the court to all parties concerning the litigation. The question that Petitioner Meister poses is this: Why would the Defendants not be required to also provide Petitioner Meister with a copy of the deposition transcripts inasmuch as parties in an action of law are required to exchange documents by serving them (and to certify that they are serving them)? Additionally, these deposition transcripts are used by the Defendants in support of their Motion for summary judgment; therefore, Petitioner Meister has a need to review these deposition transcript in order to be able of successfully opposing the Defendants' such motion. Furthermore, the conduct in which Petitioner Meister is prevented, to the extent stated herein-- and the Petitioner herein incorporates all herein stated, relevant arguments and facts for the purpose of this argument-- to receive these deposition transcripts forecloses Meister's Constitutionally protected right to receive a (fair) trial by jury--and this is a protected right under

the Seventh Amendment--in that without these deposition transcripts the Petitioner might not be capable of having this case brought to a jury, thereby additionally foreclosing the Petitioner's protected right to receive equal protection under the Fourteenth Amendment's Equal Protection Clause. The Petitioner's such Equal Protection rights are foreclosed because to require the Petitioner to pay for the deposition transcripts when the Petitioner has already paid for them to the extent that he is a taxpayer and to the extent that the governmental entity has already paid for these transcripts with taxpayers' (and therefore Meister's) money, is to favor the governmental entity to the extent that the Petitioner, in the event that he is required to pay for the deposition transcripts is doubly taxed. In support of the Petitioner's argument re the Equal Protection clause, See Argument re (2), below.

Petitioner Meister (the Undersigned) could obtain said deposition transcripts by ordering them from the firm which transcribed the depositions. However, why should Meister pay for the deposition transcripts which the Defendants have already in their possession where the Defendants are a governmental entity--which is funded by taxpayers money--where the governmental entity has used taxpayers' money to obtain the deposition transcripts and where Meister, a taxpayer, has, already paid for those transcripts to the extent that the deposition transcripts were paid for by his money to the extent that he has already paid for them as a taxpaying resident? Furthermore, the governmental entity could (1) simply use taxpayers' money--hence Meister's money in that he is a taxpayer--in order to make a copy of the deposition transcripts it already has in its possession, (2) could simply use taxpayers' money in order to use the necessary staff to make those copies, and (3) could simply use taxpayers' money in order to pay for the cost of mailing the deposition transcripts. To require Petitioner Meister to do otherwise is to doubly taxate him.

**IV . The Decision of the Court of Appeals (and the District Court) Conflicts with the United States Constitution Fourteenth Amendment's Equal Protection Clause, the Fourteenth Amendment's Due Process Clause, and the Constitution's Seventh Amendment**

The Plaintiff's Fourteenth Amendment's Procedural Due Process rights, the Plaintiff's Fourteenth Amendment's Equal Protection rights, and the Plaintiff's Seventh Amendment's rights are violated because the District Court has denied the Plaintiff's Motion to have counsel appointed to him where the Defendants are represented by counsel and where the Plaintiff is proceeding Pro Se, where the Plaintiff is not capable of crafting the required documents within the number of pages and the amount of time proscribed by the District Court and/or the Local Rules, "Local Local" Rules or the Federal Rules of Civil Procedure and where the District Court has denied the Plaintiff's Motion to exceed the number of pages and the amount of time proscribed so that the Plaintiff can file the required documents.

The District Court stated in an Order dated July 25, 2008, Doc.# 187, that the Plaintiff's "Response to Motions to Dismiss is due to be stricken" because the "Plaintiff's Response to Motions to Dismiss [Plaintiff's Fifth Amended Complaint, Doc. #127, 128, and 129], which is 145 pages in length, violated the Court's prior Order and the Local Rules, United States District Court, Middle District of Florida (Local Rule());" also stating that "Plaintiff shall respond to the pending Motions to Dismiss" "on or before August 22, 2008" and that the Plaintiff shall " . . . file one consolidated response to the three motions that does not exceed 60 pages or a separate response (no longer than 25 pages in length to each separate motion to dismiss. However, Plaintiff Meister, proceeding Pro Se, in that he is not a trained attorney, is not capable of crafting the documents within the requested number of pages and amount of time. The Plaintiff appealed.

Here, the Plaintiff's Fourteenth Amendment's Procedural Due Process rights are violated

because the Plaintiff is prevented from filing the documents because he is not capable of crafting the required documents within the number of pages and the amount of time proscribed by the District Court and/or the Local Rules, "Local Local" Rules or the Federal Rules of Civil Procedure and because the District Court denied the Plaintiff equal access to the District Court's docket (and deprived the Plaintiff of due process and the protections of the Equal Protection Clause) because he exceeded the number of pages and the amount of time proscribed by the District Court. The Plaintiff also requested that an attorney be appointed to him, but the District Court denied the Motion also. Here, at issue are the Plaintiff's Seventh Amendment rights.

The District Court, in the July 25th Order, 2008, based the denial of the Plaintiff Motion to appoint him an attorney on the basis that the Court "finds no exceptional circumstances . . . necessitating appointment of counsel and will, therefore, deny Plaintiff's motion for appointment of counsel," and that, "[f]rom the pleadings filed in this case by the Plaintiff, the Plaintiff has shown the ability to litigate this action pro se." However, the Plaintiff could not have "shown the ability to litigate this action pro se" because the Plaintiff has, by his conduct, demonstrated that he is not able to file the documents the Plaintiff is entitled to file with the District Court for adjudication because Plaintiff Meister has neither the knowledge nor the skills (that, generally, attorneys have) which would allow him to craft the legal documents and conform them to the number of pages and the amount of time proscribed. However, the Plaintiff is clearly and equally entitled to the same procedural due process protections and the Fourteenth Amendment's equal protection rights than the Defendants are who are, in the case at bar, represented by an attorney.

The District Court, however, cannot have it both ways: Deny the Plaintiff his equal protection and procedural due process rights by (1) Ordering the Plaintiff to craft the documents

within the constraints of that number of pages and that amount of time which the Plaintiff cannot and (2) by Denying the Plaintiff's Motion for an attorney where the Plaintiff demonstrated his inability to craft the documents in the stated fashion. (Yet, the District Court called the Plaintiff's inability an "apparent ability to litigate this action pro se and denied the Plaintiff's request to have an attorney appointed to him on the basis that the Plaintiff possesses the "apparent ability to litigate this action pro se" [fn-0740].

[fn-0740] The Court stated: "[T]he "fundamental fairness" requirement in the due process clause of the Fourteenth Amendment of the United States Constitution may mandate appointment of counsel in "exceptional circumstances." *Lassiter*, 452 U.S. at 31. When exceptional circumstances are present, the Court has the discretion under 28 U.S.C. § 1915(e)(1)2 to request that an attorney represent a litigant proceeding in forma pauperis. Although there is no comprehensive definition for what constitutes "exceptional circumstances," the Court should consider the following factors: (1) the type and complexity of the case; (2) the abilities of the individual bringing it; (3) whether the individual is in the position to adequately investigate his case; and (4) whether the evidence will consist mostly of conflicting testimony so as to require skill in cross-examination. *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5<sup>th</sup> Cir. 1982) (citations omitted). \* \* \*

The Court, however, may appoint Plaintiff Meister an attorney because the Court has the discretion and authority to do so. ***Lassiter v. Dept. of Social Services***, 452 U.S. 18, 25 (1981) (The Court stated that "the "fundamental fairness" requirement in the due process clause of the Fourteenth Amendment of the United States Constitution may mandate appointment of counsel in "exceptional circumstances.").

If nothing more than by the District Court's own action in denying the Plaintiff's Motion for an additional number of pages and amount of time and the District Court's Order in which the Plaintiff was denied counsel, the Plaintiff is left with exceptional circumstances. This is so because the Plaintiff is equally entitled to due process and equality where the Defendants are represented by counsel and where the Plaintiff is proceeding Pro Se. ***Ulmer v. Chancellor***, 691

F.2d 209, 213 (5th Cir. 1982) (When exceptional circumstances are present, the Court has the discretion under 28 U.S.C. § 1915(e)(1)(2) to request that an attorney represent a litigant proceeding in forma pauperis. Although there is no comprehensive definition for what constitutes "exceptional circumstances," the Court should consider the following factors: (1) the type and complexity of the case; (2) the abilities of the individual bringing it; (3) whether the individual is in the position to adequately investigate his case; and (4) whether the evidence will consist mostly of conflicting testimony so as to require skill in cross-examination. (citations omitted)). In the case at bar, the Plaintiff's circumstances fit at least one criteria--"(2) the abilities of the individual bringing it"--if not two: "(1) the type and complexity of the case." The litigation at hand is "complex" because the Plaintiff has alleged in excess of 100 causes of action against about nine Defendants and because the numerous causes of action--many of which require an expertise in varying disciplines of law--require an inordinate amount of time and a set of skills in maneuvering through the several, complex phases of litigation, the skills of which the Plaintiff does not have (but which the Defendants' attorneys do have).

Moreover, the Plaintiff's litigation skills are so limited that he had to file his Complaint five times. The District Court even referred to this--the Plaintiff's lack of skills---in an Order in which Plaintiff Meister's Motion to have counsel appointed to him was denied. The Plaintiff has told the District Court about his shortcomings, and the District Court has prevented the Plaintiff from filing documents, Denying both the Plaintiff's request for a larger number of pages, for a larger amount of time and the Plaintiff's request to have counsel appointed to him. In that the Plaintiff's circumstances are "exceptional," the Plaintiff's request to have an attorney appointed so that the required documents can be filed should be Granted because the due process clause of the Fourteenth Amendment of the United States Constitution requires "fundamental fairness"

even where a party is proceeding pro se and, especially, where a party is proceeding pro se and the opposing party is represented by counsel. See **Lassiter**, 452 U.S. at 31.

**V . The Decision of the Court of Appeals (and the District Court) Conflicts with the United States Constitution Fourteenth Amendment's Equal Protection Clause and the Constitution's Seventh Amendment**

Petitioner Meister refers to the facts and arguments contained in any of the previously filed documents relevant to Appellate #08-14707-F, in support of Meister's request to have an attorney appointed.

**Conclusion**

The importance of this Court to Grant Petitioner Meister's Writ of Certiorari is paramount in an attempt to set precedent for parties in an action of law where parties are proceeding pro se, where the parties are not attorneys in order to protect litigants'--in this case Petitioner Meister's-- Constitutionally guaranteed rights, so that Meister's case can be fairly and justly concluded, so that the pro se litigant can receive, in the end, a trial by jury, so that Plaintiff Meister can receive equal treatment in the Constitutional sense by allowing Petitioner Meister (who is proceeding Pro Se and who is not an attorney) that amount of time necessary and that amount of pages necessary in order to communicate the (numerous) legal issues which are to be expressed in the required, written documents. In the event that the courts require that Petitioner Meister make his documents regarding the length and style of presentation fit the "legally acceptable form" or language of the legal profession (or the Harvard attorneys) of which he is not a member, they are mistaken to the extent that no phrase in the Constitution requires a litigant to be an attorney. Petitioner Meister requests that he not be treated as a member of the legal profession because to do so is to deprive him of his Constitutionally protected rights because he is not an attorney,

unless of course, the court is compelled to appoint Meister an attorney.

As to the matters of time and pages, an attorney (1) has the opportunity to control the number of pages of a legal document because he has the legal expertise in doing so; (2) an attorney can craft a document within a short amount of time for the same reasons; and (3) an attorney can craft the documents during his normal business hours because that is what he or she is doing for a living, and the attorney's time is only limited by the fee agreement with his clients. On the other hand, Meister does not have the luxuries of the attorney's "three dimensions," (1), (2), and (3) above. In fact, he is not an attorney, presumably does something else for living, five days a week, or is looking for employment. Meister's time is limited and, indeed, the Petitioner is expected to mitigate damages by "working for a living,"

As to the matters of the deposition transcripts, the Undersigned is not aware of any laws that permit double taxation.

For the reasons stated above, the petition for writ of certiorari should be Granted and the case set down for argument.

**RESPECTFULLY SUBMITTED,**

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**CHRISTIAN F. MEISTER, Pro Se**

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786-390-4985

Date: February 7, 2009

**CERTIFICATE OF SERVICE**

I certify that a copy\* of the document--PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE UNITED STATES DISTRICT

COURT FOR THE MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION--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.

(\*A copy of the Appendix of Enclosed Documents has been served to opposing Counsels. Documents 171, 173, 174, 175, 178, 187, 198, 199, 211, 212, 217, 218, 219, 221 have not been served to opposing Counsels because the Undersigned--proceeding Pro Se--cannot, at this time, afford to pay for the cost of copying and mailing the documents. However, these documents have previously--on December 10, 2008--been served to opposing Counsels. Serving same documents again would result in an unnecessary duplication of costs; Defendants are not being prejudiced.)

Date: February 7, 2009

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**CHRISTIAN F. MEISTER, Pro Se**

Doc. # 444-chr-09-0126-0307-n-09-0207-1020-pdf-file