

In The

## Second District Court of Appeal

SCOTT HUMINSKI, ) Number: 2D19-1914  
APPELLANT , )  
V. )  
STATE OF FLORIDA, ET AL, )  
APPELLEES. )

### Notice of filing

NOW COMES, Appellant Scott Huminski (“Huminski”), and notices of filing of the documents attached hereto in the appeal of Equality Florida, et al. v. DeSantis, et. al., 4:22-CV-00134-AW-MJF (United States District Court, N.D. Florida), In Re: Scott Huminski, 22-12392 (U.S. Court of Appeals for the Eleventh Circuit (2022)) .

Dated at Miami, Florida this 1<sup>st</sup> day of August, 2022.

-/S/- Scott Huminski

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Scott Huminski, pro se  
P.O. Box 353820  
Palm Coast, FL 32135  
(239) 300-6656  
S\_huminski@live.com

### Certificate of Service

Copies of this document and any attachment(s) was served upon the parties via the e-filing system in this case.

Dated this 1<sup>st</sup> day of August, 2022.

-/s/- Scott Huminski

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Scott Huminski

<attachments>

RECEIVED, 08/01/2022 01:56:21 PM, Clerk, Second District Court of Appeal

In the  
United States Court of Appeals  
For the Eleventh Circuit

IN RE:	)	Number: 22-12392-GG
SCOTT HUMINSKI,	)	
APPELLANT/	)	DISTRICT CASE:
PETITIONER.	)	EQUALITY FLORIDA V. DESANTIS
	)	4:22-cv-00134-AW-MJF

**Verified Motion For Temporary Remand with instructions**

NOW COMES, Scott Huminski (“Huminski”), and, under oath, swears, deposes, states and moves that the Court temporarily remand this appeal to the Court below and direct the Court below to complete the record as follows:

1. The Clerk below refused to file Huminski’s motion to take judicial notice which he intended to rely upon in the District Court and any appeal that may arise concerning intervention (i.e. the instant appeal).
2. Huminski did submit to the Court below for filing a Motion to take judicial notice of the State Court’s certified record on appeal from State of Florida v. Huminski, 17-mm-815, Lee County Court which was attached to the paper as Exhibit “A”. See also, Huminski v. State, Fl 2 DCA, 2D19-1914.
3. A true and correct copy of the Motion to Take judicial notice submitted to the Court below (absent exhibits) is attached hereto as Exhibit “A”.
4. The certified record in State v. Huminski attached to Exhibit “A” in the Court below did document, in context, the primary issue that this appeal will confront, the **perpetual lifetime prohibition of any and all communication by Huminski with the entire government of the State of Florida for life** as set forth in a final court order from State v. Huminski truly and correctly excerpted as follows,

Clerk to update Case w/ Defendants Information Listed  
COS Fees Due & Owed in the amount \$  
~~DEFENSE MOTION FOR MISFEASANCE - DENIED~~ ~~MOTION TO DISMISS - DENIED~~ ~~ANY FUTURE FILINGS ARE~~  
~~TO BE WITHIN THE SIGNATURE OF A LICENSED ATTORNEY~~ ~~NO COMMUNICATION WITH THE PARTIES~~  
IN THE CIVIL OR CRIMINAL CASE  
Pre-sentence Investigation/Sentencing

5. State v. Huminski was initiated/commenced:
  - without service upon Huminski of a commencement document,
  - without the filing of proof of service of a commencement document,
  - without a commencement/charging document filed by the State,
  - without a commencement document signed by a State prosecutor,
  - and without a commencement document listing the State of Florida as a party despite the caption of State of Florida v. Huminski.
6. The record on appeal in State v. Huminski filed with Huminski's Motion to Take Judicial Notice (Exhibit "A") in the Court below was essential to support Huminski's claims and contentions in the Court below and is an indispensable set of facts and contextual document in this appeal which the clerk below refused to file and censored.
7. A true and correct letter from the clerk refusing to file Huminski's motion to take judicial notice (Exhibit "A") dated May 25, 2022 is attached hereto as Exhibit "B". The clerk correctly commented that the paper (the certified record in State v. Huminski) was voluminous which is a valid side-effect of a matter prosecuted in the absence of any and all jurisdiction. Strong opposition to abuse of the power of criminal prosecution by government that shocks the conscientiousness is an expected product of criminal justice corruption and abuse. Thus, a properly lengthy record.
8. After receipt of Exhibit "B" via the U.S. Mails by Huminski, United Parcel Service attempted delivery of the Motion to Take Judicial Notice and other rejected documents to an address not listed by Huminski with the Court below and a construction worker at the address/site of the attempted UPS delivery (that is under construction) refused the parcel which pursuant to United Parcel Service procedures was returned to the Court below.
9. Huminski's P.O. Box is the sole address given to the Court below (see below signature page) for legal service/correspondence. The Court below continues to have custody of

the rejected/un-filed documents which should be filed upon remand and should be considered by this Court after the Court/clerk below complies with remand instructions.

10. Huminski moved the Court below to compel the clerks office to file Exhibit “A” and its attachments without success, DE 53, DE 80.

11. Noteworthy is that 30 days after the corruption and official crime embodied in State v. Huminski was presented in the District Court below, the prosecutor involved committed suicide via a gunshot to the head. Nevertheless, the State moves forward with its censorship and continues attempts at unjust enrichment flowing from the *void ab initio* judgment/conviction issued in State v. Huminski.

12. In 2021 and 2022, Governor DeSantis engaged in a course of conduct intending to make the *void ab initio* case, State v. Huminski and the judgment/conviction therein permanent despite being a Yale and Harvard Law graduate. He was aided by Ashley Moody, Esq..

### **Memorandum of Law**

Rudimentary Due Process does not provide for a clerk of a court to summarily deny/strike a highly relevant paper filed in a Court proceeding. In this instance, the paper summarily denied by the clerk below contained the gravamen and context of the primary claim below and in this appeal – **a perpetual communication prohibition with the entire State government of Florida** foisted upon Huminski contained in a State Court order ... the basis for intervention below. A First Amendment claim similar to the claims of Plaintiffs below.

The level of moral turpitude achieved by the State of Florida in State v. Huminski is monumental and, quite reasonably, proximately caused the suicide of the State prosecutor upon the filing of papers in the Court below detailing the official crimes embodied in State v. Huminski. If a court enters an order prior to the filing of proper pleadings, the court lacks jurisdiction. Lovett v. Lovett, 93 Fla. 611, 112 So. 768, 775-76 (1927).

### **Prayer for Relief**

**WHEREFORE**, the Court should remand with instructions that the clerk should; (1) file Huminski’s court papers *sua sponte* denied/stricken by the clerk below (not the Court), and (2) that the Court below should rehear all papers denied/stricken absent the papers censored by the clerk’s office (not forwarded to the judge below for judicial consideration) including the motion to compel the clerk’s office to file papers received for filing in the case below and the motion to take judicial notice of the certified record in State v. Huminski.

**In the alternative**, the Court should consider summarily declaring State v. Huminski and the judgment/conviction therein *void ab initio* for want of any and all jurisdiction thereby ending all litigation related to this issue including this request for remand and the requested intervention below. Such relief would further public policy, the interests of justice and judicial economy. No Court should be further burdened with products of the unconstitutional, frivolous and vexatious case State v. Huminski nor should the State of Florida continue its attempts to profit from the case or pursue the continued diabolical censorship contained therein.

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT (CIP)**

In Re: Scott Huminski vs. \_\_\_\_\_ Appeal No. 22-12392-GG

11th Cir. R. 26.1-1(a) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

*(please type or print legibly):*

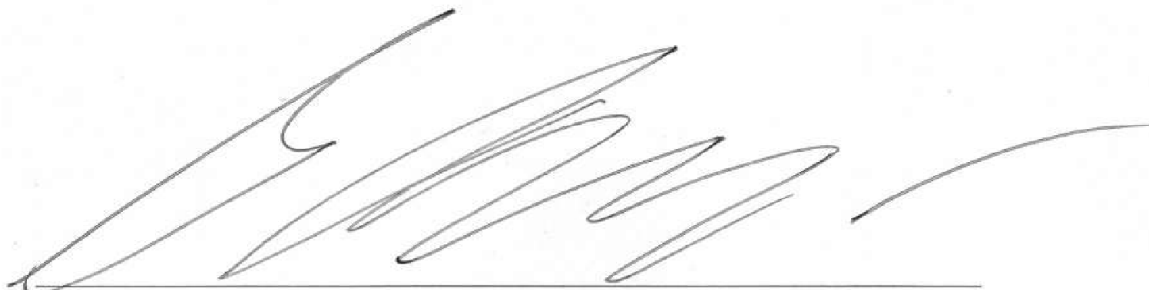
Scott Huminski

Further Huminski certifies that he is a *pro se* natural person and not owned, controlled or affiliated with any Corporation.

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE  
REQUIREMENTS AND TYPE STYLE REQUIREMENTS**

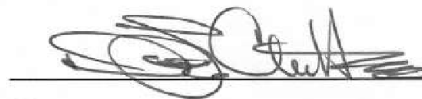
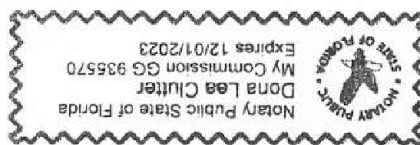
This document complies with the work limit of FRAP 27 because, excluding the part of the document exempted by FRAP 32(f), this document contains 1076 words.

Dated at Palm Coast, Florida this 1<sup>st</sup> day of August, 2022.



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P.O. Box 353820  
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[S\\_Huminski@live.com](mailto:S_Huminski@live.com)

Sworn and Subscribed to before me on this 1<sup>st</sup> day of August, 2022 in Flagler County, Florida.



Notary

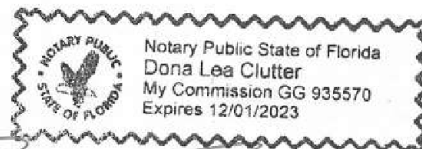
12-1-23

Exp.

Certificate of Service

Copies of this document and any attachment(s) was served upon the parties in the Court below via the U.S. Mails and/or email and/or the e-filing system.

Dated this 1<sup>st</sup> day of August, 2022.



-/s/- Scott Huminski

\_\_\_\_\_  
Scott Huminski

<attachments>

# EXHIBIT “A”

In The  
**United States District Court**  
**Northern District of Florida**

EQUALITY FLORIDA, ET AL,	)	Number: 4:22-cv-00134-AW-MJF
PLAINTIFFS,	)	
v.	)	
RONALD DESANTIS, ET AL,	)	
DEFENDANTS.	)	

**Motion to Take Judicial Notice**

NOW COMES, Scott Huminski (“Huminski”), and moves that the Court take judicial notice pursuant to FED. R. EVID. 201 of the record on appeal Huminski v. State, 2D19-1914 (Fl. Second District Court of Appeal, 2019) attached hereto as Exhibit “A” concerning contempt allegedly occurring in the 20<sup>th</sup> Circuit Court whereby the 20<sup>th</sup> Circuit attempted to hijack the appeal by hearing the appeal of a contempt case involving the 20<sup>th</sup> Circuit by the 20<sup>th</sup> Circuit, but, the hijacking was thwarted by the 2<sup>nd</sup> District Court of Appeal who properly asserted jurisdiction after the 20<sup>th</sup> Circuit immediately dismissed the appeal with one sentence. For obvious reasons the 20<sup>th</sup> Circuit wanted to bury the issues that Huminski has proffered in the instant matter. Courthouse crime is very embarrassing and requires a cover-up.

Initially, this scenario presents the bizarre scenario that contempt allegedly occurs in the 20<sup>th</sup> Circuit Court and then the 20<sup>th</sup> Circuit became the appellate Court with it being the alleged victim of the contempt. How this 20<sup>th</sup> Circuit Contempt wiggled its way into a Court of inferior jurisdiction, Lee Court Court, State v. Huminski, 17-mm-815 was via forgery of court orders by prosecutor Anthony Kunasek and others which Huminski has already discussed extensively in previous papers filed in this matter. Mr. Kunasek took his life 30 days after his forgery and other conduct became a documented issue in the instant matter.

The record on appeal supports Huminski’s contention that a custom, policy, practice and procedure exists through the entire State government of the State of Florida not only has an utter disdain for federal law especially the First Amendment, Bill of Rights generally, Title 11, ADA, Title 18 and harbors an intense disdain and disrespect for the powers, authority, jurisdiction of the Federal Courts leading to wholesale violations of federally secured rights, immunities and protections. State Courts simply can not tell the federal courts to pound sand.



The following are excerpts from the attached record on appeal and two transcripts therein that are particularly indicative of a disdain for the powers, authority and jurisdiction of the federal courts/federal law, noteworthy is the presence of the late prosecutor Kunasek and Huminski's public defender who never asserted the loss of jurisdiction to the federal courts (only the pro se Huminski asserted this dispositive self-executing operation of law – federal removal) that Governor DeSantis and Florida Attorney General Moody have conspired together to cover-up and see to it that the State of Florida profits from the crimes of prosecutor Kunasek and the void ab initio judgment proximately profiting the State of Florida with ill-gotten gains from the crimes of Mr. Kunasek and corruptly obtained judgment in State v. Huminski prohibiting Huminski's "communication" with the entire State of Florida government FOR LIFE:

Excerpted text from transcripts of the "criminal arraignment"

19           THE DEFENDANT: This case has been removed to  
20 bankruptcy court, so I'm not good with that.

21           THE COURT: Pardon me?

22           THE DEFENDANT: This case has been removed to  
23 bankruptcy court --

24           THE COURT: This case hasn't been removed to  
25 any place, Mr. Huminski.

<continued on next page>

1 THE DEFENDANT: Under bankruptcy rule 9027 --  
2 THE COURT: Mr. Huminski, A, you're not a  
3 lawyer and, B, this case doesn't get removed to  
4 bankruptcy court. That's not how the law works.  
5 Okay. You need to --  
6 THE DEFENDANT: I filed a bankruptcy  
7 (unintelligible).  
8 THE COURT: Well, that's great that you filed  
9 bankruptcy, but that doesn't have anything to do.  
10 This is a criminal proceeding.  
11 And while we're on that subject, let me just  
12 make sure that you understand your rights. You  
13 have the right to remain silent. Anything you  
14 say in this court can be used against you and  
15 it's all being recorded. You have the right to  
16 an attorney. I'm appointing an attorney to  
17 represent you. You probably need to fill out

Unfortunately, for this honorable jurist, the caption of the civil case and the contempt allegations therein and the minute order related to this hearing of 6/29/2017 is/was Huminski v. Town of Gilbert, et al., 17-CA-421 (a civil matter) removed to U.S. District Court(Middle District of Florida, Bankruptcy Unit) and docketed in the federal tribunal as Huminski v. Town of Gilbert, et al., 9-17-ap-00509-FMD on 6/26/2017. If this was this jurists impersonation of a federal judge, it wasn't convincing and it is contempt of the federal courts aided by the State's Attorney's office and the Public Defenders office along with the many involved in the forgery and "transfer" of the case from civil to criminal court, something that has no basis in any Florida case law or statutory authority.

Even if the contempt was a statutory criminal offense and not a *sui generis* common law offense (not the State's position in their brief filed in 2d19-1914), Mr. Kunasek would have had to ask the Bankruptcy Court to bifurcate the federal case and remand the alleged statutory

criminal portion back to the State Courts under federal abstention doctrines. This did not happen. All that was needed was a corrupt State Judge willing to plow ahead in the absence of any and all jurisdiction.

Huminski notifies the parties that a high quality copy of Exhibit “A” that will not be available in the instant matter is located free of PACER charges at:

[https://edca.2dca.org/DcaDocs/2019/1914/2019-1914\\_Brief\\_530010\\_RC09.pdf](https://edca.2dca.org/DcaDocs/2019/1914/2019-1914_Brief_530010_RC09.pdf)

The Northern District requires that unrepresented disabled Americans travel to an office supply store and pay for copies and travel to the Post Office and pay for postage (a burden not imposed upon other parties) and then this Court scans the document, which is generations old, resulting in much lower resolution and a harder to read version, especially for documents that have been filed via paper and scanned previously. The Court should consider a “greener” approach to mandating paper copies such as e-filing. The over 2000 pages of Exhibit “A” drives home the point that the Court should embrace technology.

**WHEREFORE**, the Court should take judicial notice of the record on appeal mentioned above and attached hereto and consider e-filing for the parties.

Dated at Miami, Florida this 13<sup>th</sup> day of May, 2022.

-/S/- Scott Huminski

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P.O. Box 353820  
Palm Coast, FL 32135  
(239) 300-6656  
S\_Huminski@live.com

Certificate of Service

Copies of this document and any attachment(s) was served upon the parties via the U.S. Mails and/or email and/or the e-filing system in this case.

Dated this 13<sup>th</sup> day of May, 2022.

-/s/- Scott Huminski

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Scott Huminski

# EXHIBIT “B”

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
OFFICE OF THE CLERK

JESSICA J. LYUBLANOVITS  
CLERK OF COURT  
100 NORTH PALAFOX STREET  
PENSACOLA, FLORIDA 32502-5658  
850.435.8440  
850.433.5972 FAX

ELIZABETH LAWRENCE  
CHIEF DEPUTY CLERK  
111 N. ADAMS STREET  
TALLAHASSEE, FLORIDA 32301-7717  
850.521.3501  
850.521.3656 FAX

Visit our web site at [www.flnd.uscourts.gov](http://www.flnd.uscourts.gov)

Reply to: Tallahassee Division

May 25, 2022

Scott Huminski

P.O. Box 353820

Palm Coast, FL 32135

Subject: 4:22-cv-00134-AW-MJF EQUALITY FLORIDA et al v. DESANTIS et al

Dear Mr. Huminski :

The Clerk's Office received today for filing two motions to take judicial notice, notice of correspondence and a suggestion of death as well voluminous exhibits.

In a recent order of the Court, enclosed, it denied your request to intervene and so you are not a party in the subject case.

Therefore the Clerk's office is returning these voluminous documents to you..

Sincerely,

JESSICA J. LYUBLANOVITS, Clerk

*s/ Blair Patton*

by Blair Patton  
Deputy Clerk

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*The mission of the Office of the Clerk of the Northern District of Florida is to provide superior service to the public and the Court.*

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Gainesville Division  
401 SE 1<sup>st</sup> Avenue, STE 243  
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