

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**Case No. 1:16-cv-00257-MW-GRJ**

**GABE (GABRIEL) HILLEL KAIMOWITZ**

Plaintiff,

v.

**NOTICE OF APPEAL**

**SUPERVISOR OF ELECTIONS, etc;**

**JOHN HARKNESS**, individually as well as in his capacity as Florida Bar executive director, and his agents, employees, assignees, etc.;

**EIGHTH JUDICIAL CIRCUIT BAR ASSOCIATION, INC. (EJCBA)** and

**FLORIDA BLUE KEY, INC. (FBK),**

Defendants.

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**NOTICE IS HEREBY GIVEN** that Gabe Kaimowitz, an attorney  
disbarred in Florida state and federal courts, including this district and circuit, but  
still in good standing in New York, and courts in five federal circuits, Plaintiff in  
the above named case, hereby appeals to the United States Court of Appeals for the  
Eleventh Circuit, from a final judgment of dismissal and denial of a motion to set  
aside a report and recommendation for dismissal which was made by a Magistrate  
sitting in Tallahassee, on the same day that the only Gainesville Division  
Magistrate disqualified himself after entering numerous orders, reports and  
recommendations contrary to the U.S. Constitution .



The *Judgment* and final *Order* affirming Magistrate's *Order* were entered on Aug. 3, 2017.

The hasty actions of dismissal were taken after Plaintiff moved to amend the complaint to add the historically all-white North Central Florida chapter of the Federal Bar Association as a party defendant. (That arm was created after Judge Stephan P. Mickle became the first black judge to sit in that District in its history dating back to 1967. He and his judicial assistant were the token African-Americans in that organization. Judge Mickle was dropped apparently after he suffered a stroke and was unable to return to the bench after a procedural order of Feb. 21 2014. In that Northern District, he is still listed as an active judge.)

That peculiar chapter encompasses only the Gainesville Division of the U.S. Court for the Northern District of Florida and the Ocala Division of the U.S. Court for the Middle District of Florida, as well as this Court of Appeals. U.S. Judge Gerald Bard Tjoflat has appeared from time to time to regale the members and Senior Judges W.T. Hodges and the late M.M. Paul, with his judicial tales.

Gainesville Division U.S. Magistrate Gary R. Jones is a past president and current board member of that proposed party. Another valuable connection to Judge Tjoflat and this Court is the trial jurist, Judge M. E. Walker. Judge Walker has been called upon to sit on panels formed by this U.S. Court of Appeals. Judge Tjoflat's view of this Plaintiff was made clear in April 2004.

That oldest federal judge in the nation disqualified himself from hearing *United States of America, ex relator, Attorneys Against American Apartheid, versus City of Orlando, et al.*, #04-10413-FF in April 2004, (later consolidate with 03-15344-FF). Judge Tjoflat's antipathy toward Plaintiff has existed since this Attorney prevailed in a damage action against *Duke Law Journal*, 315 S.E.2d 82 (N.C. Ct. App. 1984). while the jurist was chair/member of Duke University's Board of Visitors.

This appeal is intended like several others to challenge denial of meaningful access to the federal and state justice systems, since the Florida Bar approved Plaintiff's retirement from its compulsory membership. That became effective on Aug. 18, 2016, after he filed this action below, and moved to amend the original complaint below. That pleading was duly filed on the unconstitutional form provided in the trial court. The U.S. Court for the Northern District of Florida requires prisoners and civil rights pro se plaintiffs seeking relief under 42 U.S.C. Sec. 1983, and other federal enforcement laws to uphold the Civil War Amendments to the U.S. Constitution, to file pleadings in that simple form, so they can be readily dismissed on recommendation of magistrates like the Honorable Gary R. Jones, who stepped aside in this action in June. This appeal primarily is taken to exhaust all judicial remedies, in several actions until each is ripe for consideration by the U.S. Supreme Court.

Plaintiff here hopes to be heard by the highest court in timely petitions here from this action; Gabe *Kaimowitz v. the Florida Bar, et al.*, No. 16-90020-E (11<sup>th</sup> Cir. 2016)(reconsideration denied on July 11, 2017); *Marie L. Henry, Plaintiff, Gabe Kaimowitz, Movant, v. the Florida Bar, et al.*, No. 6:15-cv-1009-Orl-41 TBS (M.D. FL 2015); and *Gabriel Hillel Kaimowitz v. The Florida Bar*, Case No. 1D17-2672 (FL 1st/DCA 2017).

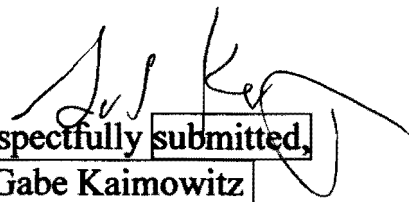
  
s/Gabriel Hillel Kaimowitz, pro se,

4411 S.W. 34<sup>th</sup> St., #1305, Gainesville, FL 32608

352 375-2670

[gabrielhillel@gmail.com](mailto:gabrielhillel@gmail.com)

Dated: Sept. 1, 2017

  
Respectfully submitted,

s/ Gabe Kaimowitz

Gabe H. Kaimowitz

### **CERTIFICATE OF SERVICE**

A copy of the foregoing will be sent by e- mail on or about ~~Aug~~<sup>Sept. 1, 2017</sup>, 2017, to:

Robert C. Swain,  
Senior Assistant County Attorney, 12 Southeast 1st Street,  
Gainesville, FL 32601, Phone (352) 374-5218,  
bswain@alachuacounty.us, CAO@alachuacounty.us

Frank Maturo, Registered Agent, Florida Blue Key  
3010 NW 9TH PLACE, GAINESVILLE, FL 32605  
fjmaturo@ufl.edu

Sharon T. Sperling, Registered Agent  
Eighth Judicial Circuit Bar Association, Inc.  
2830 NW 41 ST SUITE C GAINESVILLE, FL 32606  
Office: 352-371-3117 sharon@sharonsperling.com

Henry M. Coxe, III, Charles P. Pillans, III, Michael E. Lockamy, Attorneys,  
Bedell Ditmar DeVault Pillans, & Coxe, P.A.  
110 E. Adams Street, Jacksonville, FL 32202  
(904) 353-0211 [hmc@bedellfirm.com](mailto:hmc@bedellfirm.com), [cpx@bedellfirm.com](mailto:cpx@bedellfirm.com), [mel@bedellfirm.com](mailto:mel@bedellfirm.com)

"Jack" John F. Harkness, Executive Director  
Harkness Complex 651 E Jefferson St  
Tallahassee, FL 32399-6584 [jharkness@flabar.org](mailto:jharkness@flabar.org)

And also to Pam Bondi Attorney General, Florida

Office of the Attorney General  
Tallahassee, FL 32399--00010  
[pam.bondi@myfloridalegal.com](mailto:pam.bondi@myfloridalegal.com)

Sent by: s/Gabe H. Kaimowitz

Gabe H. Kaimowitz FL Bar 0633836 (retired and/or disbarred)  
(active, New York, U.S. courts)

Law Office of Gabe Kaimowitz 4411 S.W. 34<sup>th</sup> St. #1305 Gainesville, FL 32608  
352 375-2670 [gabrielhille@gmail.com](mailto:gabrielhille@gmail.com)

