THE UNITED STATES CIRCUIT COURT OF APPEALS
ELEVENTH CIRCUIT

In re: Roderick Ford

Florida Bar # 0072620 Case No.: 25-809-AD

_____/

MOTION TO DISMISS ATTORNEY DISCIPLINARY ACTION

NOW COMES the Petitioner, Roderick Andrew Lee Ford, pursuant to Sections 1 and 2 of the Civil Rights Act of 1866, and respectfully moves this honorable Court to conduct an *independent review* of the attorney-disciplinary proceedings held within the U. S. District Court for the Middle District of Florida (*In re Roderick Ford*, 6:20-mc-0008-TPB) and to dismiss the above-captioned proceedings, forthwith.

In support thereof, the undersigned respectfully states:

1. A "Motion to Enforce Lower Court Order as a Binding Contract" has been filed on 09/30/2025, the substance of which is hereby again re-stated and re-alleged.

2. Additionally, there is no factual or legal basis for the underlying attorney-disciplinary charges, which constitute First-Amendment reprisal.[1] See, e.g., attached "Letter to Joshua E. Doyle, Executive Director of The Florida Bar."

3. Finally, the undersigned attorney has withdrawn, or shall seek to with from, the rolls of the bar for the Middle and Southern Districts of Florida, under the special circumstances as set forth in the attached "Letter to Joshua E. Doyle, Executive Director of The Florida Bar." Simultaneously, he remains a member of the bar in good standing for U.S. District Court in the Northern District of Florida. Accordingly, this Court should reverse its decision to revoke the undersigned attorney's membership in this federal appellate court.

4. WHEREFORE, the undersigned movant respectfully requests this Court to conduct an independent investigation and review of the (a) lower tribunal's order as having the effect of a binding contract upon the parties and of the (b) First-Amendment reprisal complaint against the U. S. District Courts, as set forth in the

[1] The elements of a First-Amendment constitutional claim are derived from *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008): (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech.

attached "Letter to the Executive Director of The Florida Bar"; and to reinstate the undersigned attorney to full membership, and dismiss the above-caption disciplinary action, forthwith.

RESPECTFULLY SUBMITTED:

___/s/ Roderick Ford_____
Roderick Andrew Lee Ford, Esq.
FBN: 0072620
The Methodist Law Centre
5745 S.W. 75th Street, Suite 149
Gainesville, Florida 32608
(352) 559-5544- Gainesville
(813) 223-1200- Tampa
(813) 223-4226- Facsimile
Email: methodistlawcentre@gmail.com

CERTIFICATE COMPLIANCE

This document complies with the typeface requirements of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6). This document ALSO complies with the word limit of FRAP 28.1(e), excluding the parts of the document exempted by FRAP 32(f), containing 582 words.

/s/ Roderick Andrew Lee Ford___

Roderick Andrew Lee Ford, Esq.

Certificate of Interested Persons and Corporate Disclosure Statement

The Plaintiff-Appellant, Roderick Ford, pursuant to the Federal Rules of Appellate Procedure, respectfully files this Corporate Disclosure Statement and Certificate of Interested Parties. All parties who have an outcome or vested interest in the outcome of this appeal include the following:

1. Best, Forrest (Defendant-Appellant)

2. Hon. Dalton, Roy (District Court Judge)

3. Delahunty, Ann-Marie (Assistant General Counsel for Government Employer of Defendants-Appellants)

4. Dietrich, G. Ryan (Trial and Appellate Counsel for Defendants-Appellants)

5. DeBevois & Poulton, P.A. (Law Firm of Defendants-Appellants)

6. Florida Sheriff's Risk Management Fund (Insurer for Defendants-Appellants)

7. Ford, Roderick O. (Trial and Appellate Counsel for Plaintiff-Appellee)

8. Heid, Joseph (Plaintiff-Appellee)

9. Hon. Irick, Daniel (District Court Magistrate Judge)

10. Lombardo, Peter (Trial Counsel for Plaintiff-Appellee)

11. Mina, John W. as Sheriff of Orange County, Florida (Former Defendant andEmployer of Defendants-Appellants)

12. Moes, Brian F. (Trial and Appellate Counsel for Defendants-Appellants)

13. The P.M.J.A. Legal Defense Fund, Inc. (Law Firm of Plaintiff-Appellee) There are no other interested parties to this appeal.

14. Rutkoski, Mark (Defendant-Appellant).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been e-served/ electronic court service upon:

No opposing parties listed on the record

On 6 October 2025.

/s/ Roderick Ford
Roderick Andrew Lee Ford, Esq.

October 5, 2025

The Florida Bar
ATTN: Mr. Joshua E. Doyle
Executive Director, The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399
Phone: (850) 561-5600
Email: jdoyle@floridabar.org

Re: Motion To Dismiss Florida Bar Inquiry/ Probable Cause Proceedings
***In re Roderick Ford,* 2025-00,383 (13B); 2026-00,095 (13B)**

Dear Mr. Doyle:

I am a member, in good standing, of The Florida Bar, and I have maintained that status now for nearly 30 years.

Recently, the above-referenced Florida Bar inquiries have come to my attention. Last Friday, September 26, 2025, I held a brief meeting with a representative of The Florida Bar to discuss these matters.

After many hours of deliberation, I have considered the gravity of these inquiries. Since I am completely innocent, and I believe that these inquiries are without a basis in law or fact, they do not sit well with my "constitutional intuition."

Under the normal course of litigation, the red stain of attorney discipline arises only when there is questionable, substandard professional behavior on the part of an offending attorney.

On the other hand, my "constitutional intuition" also reminds me that, still yet, in the normal course of federal civil rights litigation, the **red stain of attorney discipline** often arises **despite the fact** that there is no questionable, substandard professional behavior!

This is a historical fact and a constitutional problem.

Nevertheless, although this is a historic, constitutional problem, I am concerned that The Florida Bar's implementation of *The Rules Regulating the Florida Bar* has systematically fails to address it—that is to say, the unique plight of civil rights lawyers or lawyers who take on unpopular causes (i.e., the "Clarence Darrows" of the bar).[1]

Honestly, I believe The Florida Bar needs a specialized committee of lawyers who have the requisite understanding, training, historical background and skills to address this unique genre of "attorney-disciplinary" proceedings.

Indeed, the Congressional history which undergird the Civil War Amendments reminds us that the legacy of the Civil War, together with the rise and fall of Reconstruction, have left us with the *intransigence of racial antipathy* and *judicial reactionism* over practical challenges that involve federal civil rights enforcement.[2]

Nevertheless, I have grave concerns that The Florida Bar persists in administering *The Rules Regulating the Florida Bar* as though this racial antipathy on the bar and bench did not exist.

To be sure, The Florida Bar is not authorized to upend or ignore the Civil War Amendments or any other part of the federal constitution. Obviously, as the Executive Director of The Florida Bar, you are clothed with the authority to ensure that The Florida Bar takes <u>proactive steps</u> to administer *The Rules Regulating the Florida Bar* in a manner that is right, lawful, and constitutional. Not only that, but you, as the Executive Director, have an affirmative duty to ensure that the administration of those Rules does not contradict or undermine the Thirteenth Amendment or the 1866 Civil Rights Act, amongst other constitutional or statutory civil rights provisions. See, e.g., *Ex parte Young*, 209 U.S. 203 (1908).

---

[1] See, e.g., *In re Roderick Ford*, 6:25-mc-0008, Doc. # 11, "Memorandum and Book Report" [a summary of Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York, N.Y.: Oxford Univ. Press, Inc., 1976).](discussing at length the history of de jure and de facto racial discrimination—including the weaponization of disciplinary proceedings—among the bar and bench of the United States). See, also, *NAACP v. Button*, 371 U.S. 415, 434-436 (1963)(First Amendment)("It is enough that a vague and broad statute lends itself to selective enforcement against unpopular causes"); *Supreme Court of N.H. v. Piper*, 470 U.S. 274, 280-283 (1985)(Privileges and Immunities)("Out-of-state lawyers may -- and often do -- represent persons who raise unpopular federal claims.")

[2] See, e.g., Justice Lewis F. Powell's majority opinion in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978)("The Equal Protection Clause, however, was '[v]irtually strangled in infancy by post-civil war judicial reactionism.')

To that end, and for the reasons set forth below, I respectfully ask that you proactively review the above-referenced Florida Bar inquiries, and then take all the necessary steps to dismiss and to close these inquiries, forthwith.[3]

TABLE OF CONTENTS

INTRODUCTION

Significantly, the unjust nature of these "attorney disciplinary proceedings" violate the principle of *Jus Cogens* (international customary law, treaty law, and various other international protocols).[4]

---

[3] 42 U.S.C. § 1983; *Ex parte Young*, 209 U.S. 203 (1908).

[4] A major reason why international human rights are implicated here is because, in general, the African American community, whose fundamental rights are gravely implicated by the subject matter of this pleading, does not have a strong "legal tradition," or a strong "sacred law tradition," enabling their community, civic, and church leaders to readily grasp and understand the unjust nature in which ostensibly race-neutral court proceedings, administered through the official acts and omissions of federal judges, can be, and have been, utilized to perpetuate human rights violations in the form of racial discrimination and oppression on a massive scale.

To begin with, under the principle of *Jus Cogens*, a strict race-neutral legal analysis of *The Rules Regulating the Florida Bar* cannot be constitutionally mandated or required.[5] If, as in the case of *NAACP v. Button* (1963), an African American civil rights lawyer, such as the undersigned attorney, asks a court of law to not "**close our eyes**"[6] to obvious judicial bias and racial prejudice directed against them, then The Florida Bar – as an arm of the Florida Supreme Court— may not "**close our eyes**" to racial and similar concerns during course of "attorney-disciplinary" proceedings.

Moreover, the operative treaty law of the United States expressly prohibits The Florida Bar or any other tribunal from "closing our eyes" to such injustices. Indeed, Article 2(2) of the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) expressly requires state and federal courts, by way of both treaty law and customary international law, to do so.

Here, Attorney Roderick Ford's chief complaint is that he has been subjected to attorney disciplinary actions solely for having engaged in a high level "vigorous advocacy" on behalf of his indigent clients, minority clients, and (or) African American civil rights clients.[7]

Although most members of the general public, the bar, and the bench seldom hear about the **unique forms of harassment, reprisal, and discrimination that have historically been perpetuated against African American civil rights lawyers** (as well *as other similarly-situated lawyers* who take on unpopular causes),[8] the unjust

---

[5] On Friday, September 26, 2025, at least one representative from The Florida Bar appears to have taken this position. In opposition to that view, see **Exhibit B**, "Commentary on J. Clay Smith's *Emancipation: The Making of the Black Lawyer 1844-1944*." See, also, See, e.g., J. Clay Smith, Jr., "Rule 11 and Civil Rights Lawyers Comments of National Bar Association In response to the Call for Comments Issued by the Advisory Committee on the Civil Rules Judicial Conference of the United States" (1990). Selected Speeches. 137. https://dh.howard.edu/jcs_speeches/137 Exhibit 1. (citing the case of *NAACP v. Button*, supra).

[6] *NAACP v. Button*, 371 U.S. 415, 431-436 (1963)(" **We cannot close our eyes** to the fact that the militant Negro civil rights movement has engendered the intense resentment and opposition of the politically dominant white community of Virginia; litigation assisted by the NAACP has been bitterly fought. In such circumstances, broadly curtailing group activity leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such activity on behalf of the civil rights of Negro citizens….")

[7] Id.

[8] See, e.g., *In re Roderick Ford*, 6:25-mc-0008, Doc. # 11, "Memorandum and Book Report" [a summary of Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York,

interposition of "attorney-disciplinary" proceedings has long constituted ***a type*** of specialized constitutional or civil rights tort which they experience.[9]

Hence, the purpose of this letter is to implore you, in your official capacity as Executive Director of The Florida Bar, to examine these concerns, beginning with this case and all other similarly-situated cases, and to ensure that corrective measures are implemented in order to abate this injustice.

I. Judge Dalton's Ethics Charge that Attorney Ford Failed to Timely File a Police Practices Expert Report Prior to the Scheduling Order's Deadline, and Subsequent Referral to the Grievance Committee for the U. S. District Court, Middle District of Florida, violated principle of *Jus Cogens*

In all candor, the 43rd Congress of the United States, which enacted the Civil War Amendments and the Reconstruction federal civil rights laws, expressly intended to abate the type of juridical abuses which undergird the "attorney-disciplinary" actions initiated by U. S. District Court Judge Roy Dalton.

Please allow me sufficient space in this white paper to explain what I mean.

Judge Dalton's basic charge is that Attorney Ford failed to timely serve a police-practices expert report by a certain due date established in his Scheduling Order. Next, Judge Dalton points to four separate statements which Attorney Ford printed in 3 or 4 court documents as his basis for referring him to the Grievance Committee for the Middle District of Florida.

N.Y.: Oxford Univ. Press, Inc., 1976).](discussing at length the history of de jure and de facto racial discrimination—including the weaponization of disciplinary proceedings—among the bar and bench of the United States). See, also, *NAACP v. Button*, 371 U.S. 415, 434-436 (1963)(First Amendment)("It is enough that a vague and broad statute lends itself to selective enforcement against unpopular causes"); *Supreme Court of N.H. v. Piper*, 470 U.S. 274, 280-283 (1985)(Privileges and Immunities)("Out-of-state lawyers may -- and often do -- represent persons who raise unpopular federal claims.")

[9] Unfortunately, the mainline institutions with **the African American community**—such as even the local branches of NAACP, the National Urban League, the Black Church, etc.—have limited knowledge of the plight of their own lawyers who come from the African American community. Unable to understand this plight, the African American community as a whole is unable to offer much assistance. This leaves most African American lawyers facing bar disciplinary actions in a mode of isolation, desolation, and demoralization. Hence, the effects of this problem in another reason why *Jus Cogens* and Art 2(2) of the ICERD are implicated here, in addition to Article IV, Sec. 2 ("Privileges and Immunities" Clause) and the First, Fifth, Thirteenth, and Fourteenth Amendments, U. S. Constitution.

Yet a careful analysis of Judge Dalton's charges— which no agency official or judge has yet to make[10]—reveals those charges to be wholly without a basis in fact, law, or ethics, to the very point to *Jus Cogens* (international human rights violations) are also implicated in my charge.

A. Whether to Serve or File an Expert-Witness Report is Not Mandatory but is Based Solely upon the Attorney's Professional Judgment and Discretion

For the purpose of this legal analysis, the operative document is Judge Dalton's Scheduling Order, which was entered on April 7, 2022.[11] Specifically, this Scheduling Order commanded the Plaintiff (or his counsel, Attorney Ford) to serve his expert-witness report on or before January 16, 2023.

Significantly, Judge Dalton's ethics charge is, in part, that Attorney Ford failed to serve a copy of a police-practices expert report on or before January 16, 2023. The Grievance Committee for the Middle District of Florida, in turn, affirmed and sustained this charge. The said failure to serve a police-practices expert report being essentially described as *legal malpractice* through the Grievance Committee's "Report and Recommendations."

However, there is no federal rule of court (e.g., Fed. R. Civ. P.; Fed. R. Evid.; Fed. R. App. P.) *absolutely* requiring an attorney to file an expert witness report, should, after due diligence, and while exercising his own independent judgment, that attorney determines that no such expert report is practicable or necessary.

Nor are there any reported court decisions—state or federal—*absolutely* requiring an attorney to file an expert witness report should, after due diligence, and while exercising his own independent judgment, he determines that no such expert report is practicable or necessary.

---

[10] On July 4, 2025, Attorney Ford filed his "Motion For Rehearing" in which he expressly requested U. S. District Court Judge Barber to re-write his "Order Pursuant to Local Rule 2.04" so that it complied with Rule 52(a)(1) of the Fed. R. Civ. P., which states: "[i]n an action tried on the facts without a jury or with an advisory jury, the court **must find the facts specially** and **state its conclusions of law separately**. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court." However, Judge Barber did not rule upon this motion before Attorney Ford voluntarily resigned from the federal bar on August 5, 2025.

[11] Doc. # 78, *Heid v. Orange County Sheriff's Office*, 6:20-cv-000727-RBD

Significantly, Judge Dalton's Scheduling Order did not abrogate the attorney's discretion in deciding whether or not to file an expert witness reports. Yet the Grievance Committee rendered a "Report and Recommendation" under that very assumption, and without ascertain whether Attorney Ford had reasonably exercised his professional judgment and discretionary authority when choosing not to file an expert report.

Therefore, as a matter of clear law, Attorney Ford was under no absolute legal obligation of any kind whatsoever, to file an expert witness report on or before January 16, 2023. Hence, the first ethical principle, which the Middle District's Grievance Committee failed to recognize, is this:

> An attorney has no absolute duty to file an serve an expert report under Rule 26 of the Fed. R. Civ. P.
>
> Instead, an attorney may utilize his own independent professional judgment and discretionary authority, while acting as an officer of the court, in deciding whether or not to retain an expert witness, or the serve and file an expert witness report.

Next, after acknowledging and applying this correct standard, the Grievance Committee ought to have then asked, **"Did Attorney Ford reasonably exercise his own independent professional judgment and discretionary authority as an officer of the court when he chose not to file the expert report?"**

Nobody made such an analysis.

Notably, the "*custom and usage*" of divesting persons of civil rights, and which are expressly proscribed in Sections 1 of the Civil Rights Act of 1866 and 1871, include the denial of such basic rights to black citizens.

For these reasons, Judge Dalton's, the Grievance Committee's, and Judge Barber's various recommendations and rulings— all of which interpose a contrary rule—constitute *abuses of judicial discretion*.[12]

[12] Both The Florida Bar and the U.S. Eleventh Circuit Court of Appeals are hereby called upon to reject those recommendations and rulings.

B. Whether an Attorney Abused His Discretion in Deciding Not To Serve an Expert Witness Report is a Question of Fact

Since, as previously explained, neither Rule 26 of the Fed. R. Civ. P. or any other law, required Attorney Ford to file and serve an expert witness report, in order to rightfully discipline an attorney for failing to do so, there needs to be "competent" and "substantial" evidence demonstrating Attorney Ford "abused" his independent professional judgment and discretionary power to decide not to retain an expert witness and (or) to file and serve an expert witness report.

Judge Dalton's written order resulting in the referral of Attorney Ford to the Middle District of Florida's Grievance Committee is completely void of any facts that demonstrate how Attorney Ford:

- ❖ abused his independent professional judgment; and (or)

- ❖ abused his discretionary authority as an office of the court.

Likewise, the Grievance Committee's "Report and Recommendation," which summarily adopt Judge Dalton's summary conclusions, is each completely *void of any such material facts* that demonstrate how Attorney Ford abused of his powers as an officer of the court.

This death of material facts means there was no factual justification for the decisions which Judge Dalton, the Middle District of Florida's Grievance Committee, or Judge Barber reached.

C. Attorney Ford's Independent Professional Judgment and Discretionary Authority as an Officer of the Court was Constitutionally and Lawfully Discharged

Had a proper factual investigation and legal analysis been made in case, no plausible conclusion or finding that Attorney Ford violated an ethics standards or norms could have been made.

In the case of *Heid v. OCSO*, 6:20-cv-000727-RBD, the relevant material "litigation case-management" factors were as follows:

- ❖ the Plaintiff, Joseph Heid, was *indigent* and serving a life sentence;

- the cost to retain a Police Practices Expert and attain a report was, on average, about $15,000.00 to $30,000.00.

- Attorney Ford conducted, and participated in, several depositions during the pretrial phase of the litigation;

- Mr. Heid's deposition testimony contended that the Deputy Sheriffs shot him six times as he was exiting his own residence;

- Mr. Heid's deposition testimony was that he was yelling, "I'm surrendering… I'm unarmed," or similar words;

- Mr. Heid's deposition testimony was his hands and arms were visible and clearly demonstrated that he was unarmed and posed no threats;

- Mr. Heid denied throwing any objects towards, or charging at, the Deputy Sheriffs;

- The Deputy Sheriffs claimed that Mr. Heid initiated a gun fight in the back of the home, for which Mr. Heid had already been convicted of several felony counts leading to his life sentence;

- The Deputy Sheriff's defense counsel had repeatedly informed Attorney Ford—throughout the pretrial litigation—that the Defendants' legal defense was that Mr. Heid was *legally estopped* from arguing that he did not, in fact, initiate the gunfight in the back of the home;

- The Deputy Sheriffs, who shot Mr. Heid in the front of the house, claimed in sworn statements that they believed Mr. Heid had intended to continue the gunfight as he exited the front of his home; and,

- The Deputy Sheriffs' sworn statements described Mr. Heid throwing an object into the front yard and threateningly charging toward their position, and concluded this series of acts to be the basis for their shooting Mr. Heid and, hence, as justification for qualified immunity.

Objective analysis of this set of material factors, upon which Attorney Ford relied upon, when making his decision not to hire a police practices expert, thus demonstrate the following:

> (a) Mr. Heid was *indigent*;
>
> (b) Mr. Heid's only rebuttal to the several Deputy Sheriffs' description of events in both the *back* and *front* of his residential home was only (or primarily) Mr. Heid's own testimony; and
>
> (c) Mr. Heid's denial of having initiated the gunfight in the back of the house was legally estopped by the state-court conviction.

Under this set of facts— which is an accurate description of the case from the beginning of the litigation in February 2020 up through March 24, 2023 (the date of the Mediation Conference)— Attorney Ford determined that the hiring of a police practices expert— resulting in a new litigation bill of between $15,000.00 and $30,000.00— was *not* financially feasible, financially justifiable or financially reasonable.

As an experienced civil rights attorney who understands the power of negotiation, the value of court-ordered mediation, and on-going need to educate uneducated, indigent clients about "cost-benefit" analysis, or "risk-return" analysis, and "litigation case management," Attorney Ford's professional opinion and advice to Mr. Heid was for him to "*cut bait*," and to settle his federal civil rights case for a fair and reasonable amount, at the upcoming Mediation Conference on March 24, 2023.

It is doubtful, under these circumstances, that any other experienced civil rights attorney would have invested $15,000.00 to $30,000.00 to obtain an expert witness report.

It is doubtful, under these circumstances, that any other experienced civil rights attorney would have given Mr. Heid contrary "settlement" advice.

Nor is it objectively reasonable to assess Attorney Ford with an ethics violation for having made these exact professional decisions while discharging his duties as an officer of the District Court.

There is, therefore, not a scintilla of material facts in support of Judge Dalton's, the Grievance Committee's, or Judge Barber's conclusory findings and rulings that Attorney Ford committed an ethics violation and thus abused his *independent professional judgment* or *discretionary authority* as an officer of the court, in making his

professional decision not to retain a police practices expert and professional decision not to file a police-practices expert report by the January 16, 2023 deadline.

For the foregoing reasons, these conclusory findings and rulings constitute "Due Process" and "Equal Protection" violations.

D. Judge Dalton entered an Order Denying the Defendant's Motion For Summary Judgment without Use or Aid of any Police-Practices Expert Report, which Belies His Ethics Charge Against Attorney Ford

Significantly, Judge Dalton entered an "Order Denying the Defendant's Motion for Summary Judgment."[13] This summary judgment Order that was *favorable* to Attorney Ford's client, the plaintiff Jospeh Heid and was *unfavorable* to the defendants. The implications of this Order were that, in Judge Dalton's opinion, Mr. Heid's civil rights case could be presented to a jury for trial on the merits.

And yet, notably, there are two remarkable points brought forth in this Order:

First, this Order tacitly agreed in principle with Attorney Ford's and Mr. Heid's basic argument that the totality of the evidence presented a genuine issue of material fact as to whether the Deputy Sheriff's violated Mr. Heid's civil rights when they used deadly force and shot him six times.

Second, this Order reached a favorable determination for Mr. Heid's but *without the use of any police-practices expert reports*![14]

These material facts clearly demonstrate (a) that Judge Dalton's rationale for referring Attorney Ford to the Grievance Committee of the Middle District of Florida was not plausible from the beginning; (b) that it conflicted with his own legal analysis in his Order Denying the Defendant's Motion for Summary Judgment; and (c) that it constituted an abuse of judicial discretion.

---

[13] See, Doc. # 163, "Order Dening Defendant's Motion for Summary Judgement," *Joseph Heid v. Orange County Sheriff's Office*, 6:20-cv-000727.

[14] Instead, Judge Dalton's judicial analysis and reasoning focused upon Mr. Heid's own testimony, other facts brought forth in the evidence, and prevailing case law. It goes without saying that this same analysis—using Judge Dalton's reasoning—could be presented to a jury, and explained in jury instructions and through opening or closing statements at trial, and without the use of any police-practices expert reports!

The Florida Bar therefore must not proceed with further inquiry—the underlying factual basis being untrustworthy and without legal foundational support.

E. New Circumstances Giving Rise to a Reasonable Inference of *Brady*, *Giglio*, and *Franks* Constitutional Violations

Most ominously, there was newly-discovered video evidence, which Attorney Ford brought to Judge Dalton's attention in late March 2023, which implicates the possibility of willful evidence suppression, tampering, and racketeering within law enforcement, in violation of the U.S. Supreme Court's landmark holdings in "*Brady/ Giglio*" [15] and "*Franks*."[16]

For instance, on March 23, 2023, during a court-ordered mediation conference held in the federal civil rights case of *Heid v. OCSO, et al*, supra, Mr. Heid received into his possession newly-discovered video evidence of two Deputy Sheriffs' shooting him six times, at point blank range, on April 26, 2016. For this reason, an Emergency Motion to extend the discovery deadline and for leave to retain a police-practices expert and a video forensic expert was filed in late March 2023, and Judge Dalton scheduled an emergency hearing on April 3, 2023.

At this hearing, Peter Lombardo, Esq., who was then Mr. Heid's private post-conviction relief attorney, testified that he had been representing Mr. Heid for several years in his state post-conviction relief action; that he had been made aware of the subject video through Mr. Heid's repeated references and requests that it be turned over; that Mr. Lombardo had himself made several requests to the Florida Department of Law Enforcement (FDLE) to turn over the said video; but that despite these efforts no video was ever produced.

At this same hearing, Brian Moes, Esq., who was the defense counsel for the Orange County Sheriff's Office and several deputy sheriffs, testified that this video did not come into his possession until several days leading up to the mediation conference held on March 23, 2023; and that, upon the request of Mr. Heid at that mediation conference, he then disclosed the said video.

---

[15] *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. U.S.*, 405 U.S. 150, 153-154 (1972); *Strickler v. Green*, 119 S.Ct. 1936 (1999).

[16] *Franks v. Delaware*, 438 U.S. 154 (1978).

Finally, at this hearing, the undersigned attorney, Roderick Ford, Esq., who was then serving as Mr. Heid's civil rights attorney, informed Judge Dalton that he has served a "Request For Production" upon the Defendants, and within that request was a specified request for all video evidence; but that the Defendants had failed to turn over that evidence. Although, in rebuttal, Mr. Moes distinguished the Orange County Sheriff's Office—his clients—from the Florida Department of Law Enforcement (FDLE), which was not his client, this ultimately was a distinction without a difference—in terms of the effects upon Mr. Heid's constitutional rights during his 2017-2018 criminal trial, and, subsequently, during his pending federal civil rights case.

WHISTLEBLOWER STATUS: therefore, as of March 23, 2023, both Mr. Heid and his federal civil rights attorney (Roderick A. L. Ford, Esq.) had attained "whistleblower" status, in that, through testimony presented before Judge Dalton at the April 3, 2023 emergency hearing, *a prima facie* case of "**evidence suppression**" throughout both the criminal and civil-rights proceedings became viable and plausible.

This was the *nub* of problem—and the beginning of the legal and constitutional crisis leading to Judge Dalton's formal charges and referral of Attorney Ford to the Grievance Committee for the Middle District of Florida.

At the April 3, 2023 hearing, Attorney Ford argued his "Emergency Motion" which had been filed in late March 2023 and which had requested an extension to the Discovery Deadline of April 1, 2023. At the said hearing, Judge Dalton sought reasons and justifications for the said extension; and Attorney Ford explained to Judge Dalton that (a) Mr. Heid is indigent; (b) that Mr. Heid wanted a police practices expert and a forensic videographer to review the newly-discovered video and to issue expert reports.

In light of the several years of having been denied access to this newly-discovered video evidence throughout the entirety of his criminal case and nearly the entire discovery period in his federal civil rights case, these requests were not only reasonable but necessary in order to safeguard Mr. Heid's constitutional rights.

What those constitutional rights entailed have been succinctly set forth in Mr. Heid's subsequent motion for post-conviction relief, pursuant to Fla. R. Civ. P. 3.850 (*State v. Heid*, 16-CF-05268), to wit:

> [T]hat on March 23, 2023, Defendant Heid received into his possession newly-discovered video evidence of two Deputy Sheriffs' shooting him six times, at point blank range, on April 26, 2016; and said video evidence is legally:

a. *Material* to the criminal trial of this case;[17]

b. *Admissible*[18] and *credible*;[19]

c. Likely to *change the outcome* of the trial;[20]

d. Could *not have been discovered* with reasonable diligence;[21] and,

e. Was *previously suppressed* in violation of the "Brady/ Giglio" rules.[22]

This evidence was set before Judge Dalton at the emergency hearing on April 3, 2023, and virtually the same arguments were made— not for the purpose of obtaining a new criminal trial or exoneration of the criminal charge; but, rather, instead, for the purpose of allocating sufficient time for Mr. Heid (and his family) to raise financial resources to obtain expert review and opinion as to the newly-discovered video evidence.

On April 7, 2023, Judge Dalton entered the following new Scheduling Order, only allowing 30 days from the date of the said order for Mr. Heid to disclose his "expert report," as follows:

> AMENDED CASE MANAGEMENT AND SCHEDULING ORDER: Discovery due by 7/3/2023, Dispositive motions due by 8/1/2023, Pretrial statement due by 12/14/2023, All other

[17] See, e.g., *Blake v. State*, 180 So.3d 89 (Fla. 2014); *Hunter v. State*, 29 So. 3d 256 (Fla. 2008).

[18] See, e.g., *Merritt v. State*, 68 So. 3d 936 (Fla. 3rd DCA 2011); *Schofield v. State*, 67 So.3d 1066 (Fla. 2nd DCA 2011); *Mungin v. State*, 79 So. 3d 726 (Fla. 2011); *Green v. State*, 975 So. 2d 1090 (Fla. 2008); *Preston v. State*, 970 So.2d 789 (Fla. 2007); *Rutherford v. State*, 940 So.2d 1112 (Fla. 2006); *Riechmann v. State*, 966 So.2d 298 (Fla. 2007).

[19] *Rolle v. State*, 449 So.2d 1297 (Fla. 4th DCA 1984); *Stone v. State*, 616 So.2d 1041 (Fla. 4th DCA 1993).

[20] *Jackson v. State*, 646 So.2d 792 (Fla. 2d DCA 1994); *Stano v. State*, 708 So.2d 271 (Fla. 1998); *Robinson v. State*, 707 So.2d 688 (Fla. 1998); *Heath v. State*, 3 So. 3d 1017 (Fla. 2009); *Preston v. State*, 970 So.2d 789 (Fla. 2007); *Hurst v. State*, 18 So. 3d 975 (Fla. 2009); *Hernandez v. State*, 180 So.3d 978 (Fla. 2015); *Reed v. State*, 116 So.3d 260 (Fla. 2013).

[21] *Hurst v. State*, 18 So.3d 975 (Fla. 2009); *Johnston v. State*, 27 So.3d 11 (Fla. 2010); *Heath v. State*, 3 So. 3d 1017 (Fla. 2009).

[22] *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. U.S.*, 405 U.S. 150, 153-154 (1972); *Strickler v. Green*, 119 S.Ct. 1936 (1999).

> motions due by 11/30/2023, **Plaintiff disclosure of expert report due by 5/8/2023**, Defendant disclosure of amended expert report due by 6/1/2023, Final Pretrial Conference set for 12/21/2023 at 10:00 AM in Orlando Courtroom 4 A before Judge Roy B. Dalton, Jr. Jury Trial set for term commencing 1/2/2024 at 09:00 AM in Orlando Courtroom 4 A before Judge Roy B. Dalton, Jr. Conduct mediation hearing by 7/14/2023. Lead counsel to coordinate dates. Signed by Judge Roy B. Dalton, Jr. on 4/7/2023. (ALL)

The effect of this Amended Scheduling Order was that it had essentially denied relief to the victimized Plaintiff Mr. Joseph Heid and his family. As previously mentioned, the cost to retain a police practices expert was quite high—ranging from between $15,000 and $30,000.00. The Plaintiff found Mr. Nick Barrierro of Nashville, TN, a forensic videographer who was willing to review the video and issue a report at the cost of about $7,500.00.

These costs were still astronomical for an incarcerated, indigent defendant and his family members, and impossible to pay within a short period of time, given their financial circumstances. Attorney Ford finally retained the cheapest police-practices expert that he could find, Mr. Gregory Gilbertson (a non-Ph.D.) would was willing to review and issue his expert report for about $8,000.00.

But only one problem remained: Mr. Gilbertson – and none of the experts whom the Attorney Ford contacted—could not issue a report by the May 8th deadline. All of the police-practices experts stated that they could not, upon such a short notice, complete a proper case evaluation and issue an expert report. All of them said that they need substantially more time to do the work.

From between April 7, 2023 and Judge Dalton's referral of Attorney Ford to the Grievance Committee for the Middle District of Florida, Attorney Ford made at least two additional requests to Judge Dalton for time extensions.

On May 3, 2023, prior to the May 8th deadline, Attorney Ford filed a document entitled, "MOTION for Extension of Time to File Police Practices Expert Report of Prof. Gregory Gilbertson Pursuant to Rule 6 of the Fed. R. Civ. P. by Joseph Heid," Doc. # 112, *Heid v. OCSO*, 6:20-cv-000727. This motion explained the obvious financial constraints and logistical hardships prohibiting the Plaintiff from meeting the upcoming May 8th deadline.

Judge Dalton, however, granted partial relief but nothing close to what Mr. Heid, Attorney Ford, or Prof. Gilbertson actually needed. The said "Motion for Extension" had indicated that Professor Gilbertson could not complete his expert report earlier than **June**

15, 2023. Nevertheless, Judge Dalton granted only one additional time extension to June 5, 2023—which did not resolve the problem, and only perpetuated the oppression in that the financial constraints and the logistical hardships still prevented Mr. Heid from being able to timely file his expert reports within the time period allotted by the District Court.

At all times material to this specific issue, Judge Dalton's decisions provided no reasons or meaningful explanations, and appeared, on their face, to be indefensible and unjustifiable.

PROFFER EVIDENCE AND APPEAL TO THE ELEVENTH CIRCUIT:

Although Attorney Ford has never encountered a situation quite like this one, both Mr. Heid's family and Attorney made a tactical decision to:

A. Purchase the service of the Forensic Videographer (i.e., approximately $7,500.00) to make an expert report; and,

B. Purchase the services of the Police Practices Expert (i.e., approximately $8,000.00), who would review both the video and the forensic videographer's expert report, and then issue his own independent police practices expert report.

The funds could not be raised in time, but neither could the said experts perform all of these services within the time-constraints being imposed in Judge Dalton's amended scheduling orders.

Given these perceived inequities, Attorney Ford's reasonable, tactical decision—based upon his own independent professional judgment and discretionary authority as an office of the court for the 11th Circuit Court of Appeals—to "proffer these expert reports" for the record and to appeal any adverse decision to the 11th Circuit Court of Appeals.

This tactic was two-fold:

First, Attorney Ford decided that he would "*proffer*" these two expert reports at the summary judgment phase of the case; and (or),

Second, Attorney Ford decided that he would "*proffer*" these two expert reports, together with the expert witness testimony, at the trial phase of the case, whether as rebuttal evidence or as a part of the evidence in chief.

The objective of these "*proffers*" was to "*preserve the issue of admissibility of the said 2 expert reports for appeal*" to the Eleventh Circuit Court of Appeals, which as appellate jurisdiction over Judge Dalton's orders.

The first justification for proffering the 2 expert reports for the Eleventh Circuit's appellate review is that, given the totality of the circumstances, Judge Daltons' amended scheduling orders were unreasonable.

The second justification for this proffer is "constitutional" in nature; namely, there appears to have been a long, sustained, and willful effort to suppress the said "video" evidence from the record, in violation of the Supreme Court's holdings in "*Brady/ Giglio*." [23]

And, finally, the third justification for this proffer is also "constitutional" in nature; namely, that the video's plain contradiction of the Deputy Sheriffs' reasons for using deadly force against Mr. Heid would result in their "qualified immunity" defense constituting a "*Franks*" constitutional violation.[24]

Therefore, there is NO BASIS IN LAW or FACT upon which (a) Judge Dalton, (b) the Grievance Committee for the Middle District, or (b) Judge Barber could reasonably conclude that Attorney Ford's exercise of his own independent professional judgment or discretionary authority as an officer of court for the Eleventh Circuit, *when making his "proffer" of the 2 expert reports*, constituted an ethics violation of any sort or kind.

F. First Amendment Reprisal Complaint Against U. S. District Court Judge Roy Dalton (And Letter to the U. S. Attorney General)

What follows next is a general discussion of claims and contentions against U. S. District Judge Roy Dalton that have been, via means of written correspondence, brought to the attention of the Attorney General of the United States on July 3, 2025.[25]

---

[23] *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. U.S.*, 405 U.S. 150, 153-154 (1972); *Strickler v. Green*, 119 S.Ct. 1936 (1999).

[24] *Franks v. Delaware*, 438 U.S. 154 (1978).

[25] See Doc. 14, "Motion for Reconsideration," *In re Roderick Ford*, 6:20-mc-0008-TFB (Attachment #2, "Letter to Pam Bondi- Attorney General of the United States").

This written correspondence to the Attorney General explains and refutes the alleged "***four bad faith incidents***" which Judge Dalton raised in his referral of Attorney Ford to the Grievance Committee for the Middle District of Florida. Significantly, what Judge Dalton calls "**bad faith incidents**" is Attorney Ford's professional and reasonable attorney communications regarding his efforts to "proffer" the 2 expert reports into the record of the District Court, in order to preserve the issue of their admissibility for appellate review before the Eleventh Circuit Court of Appeals. See **Exhibit A**, below.[26]

In each of the alleged "***four bad faith incidents,***" the professional language utilized by Attorney Ford is quintessentially protected speech under First-Amendment and constitutes "vigorous legal advocacy"[27] which the U.S. Supreme Court determined to be protected speech. Moreover, this language is clear, professional, and cites sufficient legal authority as its basis.

The first alleged "bad faith" incident is Attorney Ford's explanation as to why the "effect" of Judge Dalton's two amended scheduling orders violated § 1983, Rule 1 of the Fed. R. Civ. P., and the *Code of Conduct for United States Judges*. See **Exhibit A**, below.[28]

The second alleged "bad faith" incident is copy of attorney-to-attorney communications that was filed in response to Judge Dalton's request for status report from the parties. Although this letter appears to have been inadvertently attached, it accurately presented a truthful and accurate status of the case; namely, that the Plaintiff's were obtaining an expert report; that they would, if need be, appeal Judge Dalton's adverse ruling to the Eleventh Circuit; and, that they would, if be, file a motion for recusal of Judge Dalton due to his perceived judicial bias. Although the substance of this letter was unfavorable toward Judge Dalton, it did not breach decorum, lack

[26] See, e.g., **EXHIBIT A**, below, "Letter to the U. S. Attorney General (July 3, 2025)," Doc. # 14, *In re Roderick Ford*, 6:20-mc-00008.

[27] *NAACP v. Button*, 371 U.S. 415, 429 (1963)(civil rights legal advocacy; First Amendment)(stating, "**abstract discussion** is not the only species of communication which the Constitution protects; the First Amendment also protects **vigorous advocacy**, certainly of lawful ends, against governmental intrusion.")

[28] See, e.g., **EXHIBIT A**, below, "Letter to the U. S. Attorney General (July 3, 2025)," Doc. # 14, *In re Roderick Ford*, 6:20-mc-00008.

professionalism or candor, and exemplified concerns that are expressly contemplated in the *Code of Conduct for United States Judges*. See **Exhibit A**, below.[29]

The third alleged "bad faith" incident is Attorney Ford's explanation as to why Judge Dalton's two amended scheduling orders violated 28 U.S.C. § 453 (Oath of Justices and Judges) and Rules 1 and 2 of the Fed. R. Civ. P. See **Exhibit A**, below.[30]

The fourth alleged "bad faith" incident is Attorney Ford's "Response to the Defendant's Motion for Summary Judgement," where he did, in fact, as previously explained, expressly "proffer" the 2 expert witness reports—as rebuttal evidence only—in the court record; and, while making such proffer, expressly noticed both the District Court and opposing parties, that this record was being preserved for appellate review of the Eleventh Circuit Court of Appeals. This particularly notification also invoked, as its legal basis 28 U.S.C. § 453 (Oath of Justices and Judges). See **Exhibit A**, below.[31]

No honest, objective fact-finder can determine Attorney Ford's language utilized in these alleged "***four bad faith incidents***" constitutes violations of any moral, ethical, or procedural rule, code or law.

There can be no question as to the existence of a plausible, prima facie First-Amendment reprisal claim, on the basis of these facts. Moreover, the *totality of the circumstances* leading up to the newly-discovered video evidence, conjoined with the fact that Attorney Ford is long-time member of the federal bar of Middle District of Florida, and experienced civil rights litigator, and has never been disciplined by the state or federal bar, lends credence to the validity of this First-Amendment complaint against Judge Dalton.

Hence, Judge Dalton's referral of this matter to the Grievance Committee of the Middle District of Florida clearly violates the First Amendment, U.S. Constitution.[32]

---

[29] See, e.g., **EXHIBIT A**, below, "Letter to the U. S. Attorney General (July 3, 2025)," Doc. # 14, *In re Roderick Ford*, 6:20-mc-00008.

[30] See, e.g., **EXHIBIT A**, below, "Letter to the U. S. Attorney General (July 3, 2025)," Doc. # 14, *In re Roderick Ford*, 6:20-mc-00008.

[31] See, e.g., **EXHIBIT A**, below, "Letter to the U. S. Attorney General (July 3, 2025)," Doc. # 14, *In re Roderick Ford*, 6:20-mc-00008.

[32] The elements of a First-Amendment constitutional claim are derived from *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008): (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech.

G. *The "Cat's Paw" Theory of Vicarious First-Amendment Liability*: Grievance Committee for the Middle District of Florida; Judge Barber; the Southern District of Florida; and The Florida Bar (Supreme Court of Florida)

Clothed with the prestige and authority of a United States District Court Judge, now wielding influence, now commanding unquestioned respect, both the general public as well as the entirety of the American legal profession *are inclined* to believe, without any second-guessing or any critical questioning, that the District Judge's worldview of the law and the facts is constitutionally and legally sound.

But this inclination amongst the general public, the bar, and the bench is not justifiable. This tendency in the law often results in "second" parties' or "third" parties' adopting and carrying out unconstitutional District Court orders and mandates that were originally issued by a federal judge, who, in the very beginning, expressly violated the United States Constitution, federal statute, and (or) the *Code of Conduct for United States Judges*.

When such second, third, or fourth parties carry out such orders or mandates— when, in fact, through due diligence, they knew, or should have known, to best refrain from doing so— then they are, through *vicarious liability*, equally liable and culpable as the first offending District Judge.

This is similar to the "Cat's Paw" theory of liability.[33]

Hence, for all of the reasons set forth above, when the Grievance Committee for the Middle District of Florida received and affirmed Judge Dalton's acts, omissions, and false ethical conclusions about Attorney Ford's character and fitness, this Committee, via the "Cat's Paw," became just as culpable as the first offender, in this case, Judge Dalton himself.

Likewise, when District Judge Thomas Barber, when reviewing the "report and recommendation" of the Grievance Committee for the Middle District of Florida, received and affirmed Judge Dalton's acts, omissions, and false ethical conclusions about

---

[33] See, e.g., Aaron Warshaw, "Second Circuit Adopts "Cat's Paw" Theory of Imputing Nonsupervisory Employee's Retaliatory Intent to Employer" *Ogletree Deakins Blog* (September 12, 2016) https://ogletree.com/insights-resources/blog-posts.

Attorney Ford's character and fitness, this Judge Barber, via the "Cat's Paw," became just as culpable as the first offender, in this case, Judge Dalton himself.

Moreover, Judge Barber is perhaps more culpable than the Grievance Committee for the Middle District of Florida, because he received the benefit of having had analysis and review of the following well-written, detailed motions filed in *In re Roderick Ford*, 6:20-mc-0008, to wit:

- Motion for Clarification, doc. # 13, filed July 3, 2025.
- Motion for Reconsideration, doc. # 14, filed July 4, 2025.
- Motion for New Trial, doc. # 15, filed July 4, 2025.
- Motion for Stay of Execution, doc. #17, filed July 15, 2025.

When Judge Barber failed to address these four motions, Attorney Ford then filed, on August 5, 2025, his "*Notice of Voluntary Resignation*,"[34] which, in turn, led to an "*Order Addressing… Voluntary Resignation…*,"[35] which the undersigned has previously argued constituted a judicially-binding consent order or agreed order, thus closing this case with no attorney discipline or other sanction.[36]

Finally, when the Chief Judge of the U.S. District Court for the Southern District peremptorily suspended Attorney Ford from its bar, and where The Florida Bar (i.e., the Supreme Court for the State of Florida) have initiated their own grievance proceedings—all stemming primarily from Judge Dalton's acts, omissions, and false ethical conclusions about Attorney Ford's character and fitness, these other agencies (i.e., third parties) have become vicariously liable and just as culpable as the first offender, in this case, Judge Dalton himself. Hence, said Chief Judge and the said Florida Bar thus constitute the "*cat's paw*."

---

[34] *In re Roderick Ford*, 6:20-mc-0008 (USDC MD Fla. 2025), Doc. # 21 ("Notice of Voluntary Resignation from the Bar of the Middle District of Florida").

[35] Order of August 6, 2025 (Doc. # 22, Aug. 6, 2025; *In re Roderick Ford*, 6:25-mc-0008).

[36] *In re Roderick Ford*, 25-809-AD (11th Cir. 2025), Doc. # 3 ("Motion to Enforce Lower Court Order as a Binding Contract and for Other Relief").

H. Several Governmental Actors Have Violated International Customary and Treaty Law of the United States under *Cat's Paw*

On Friday, September 26, 2025, Attorney Ford met with a representative of The Florida Bar via Zoom video conference; and, during this conference, the said representative, who is himself a white male, opinioned that, perhaps, Attorney Ford has been "too quick to aver claims of racial discrimination."

While the observation from the Florida Bar representative was accepted as an honest professional assessment of the above-captioned inquires, for the reasons set forth below, such assessments are usually "*superficial and dangerous half-truths*," which must be *wholly* rejected as a matter of First-Amendment constitutional law and policy.

Article 8 of the Universal Declaration of Human Rights, which sets forth basic standards on "effective court remedies," is also a part of customary international law known as *Jus Cogens* norms.

The "right to an effective remedy" is a part of *Jus Cogens*, or customary international law.[37] This right is expressly safeguarded in Article 8 to the Universal Declaration of Human Rights (UDHR), which states "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law…."

Enforcement of the Civil War Amendments, and their implementing legislation, is also the subject matter of *Jus Cogens*.[38] See, e.g., *The Slaughterhouse Cases*, 83 U.S. 36,

---

[37] Indeed, the right to a remedy for international human rights violations has attained the status of customary international law. See U.N. Basic Principles on the Right to a Remedy, Principles I.1(b) and 2; *Prosecutor v. Andre Rwanmkuba*, Case No. ICTR-98-44C, Decision on Appropriate Remedy, ¶ 40 (Jan. 31, 2007); *Prosecutor v. Andre Rwanmkuba*, Case No. ICTR-98-44C-A, Decision on Appeal Against Decision on Appropriate Remedy, ¶¶ (Sept. 13, 2007); *Cantoral-Benavides v. Peru*, 2001 Inter-Am. Ct. H.R. (ser. C) No. 88, ¶ (Dec. 3, 2001); *Customary International Humanitarian Law*, Vol. 1: Rules 537-50 (Jean-Marie Henckaerts & Louise Doswald-Beck, eds. 2005).

[38] See, e.g., *Restatement (Third) of Foreign Relations Law* § 702(c) (Am. L. Inst. 1987)("The customary law of human rights is part of the law of the United States to be applied as such by State as well as federal courts."). *Lawrence v. Texas*, 539 U.S. 558, 576 (2003)(citing the case law of the European Court of Human Rights); *Thompson v. Oklahoma*, 487 U.S. 815, 831 n. 34 (1988)(noting that the International Covenant on Civil and Political Rights, the American Convention on Human Rights and the Geneva Convention Relative to the Protection of Civil Persons in Time of War prohibit juvenile death penalties);

37 (1872)(the Thirteenth Amendment implements "treaties made in pursuance thereof," stating:

> "The privileges and immunities of citizens of the United States are those which arise out of the nature and essential character of the national government, the provisions of its Constitution, or its laws and **treaties made in pursuance thereof**, and it is these which are placed under the protection of Congress by this clause of the **Thirteenth amendment**.")

The history of the rise and fall of Reconstruction is largely the history of the denial of the *Jus Cogens* "right to an effective remedy" within state or federal courts to African Americans- whether they be private citizens or members of the bar and bench.[39] To that

---

Roper v. Simmons , 543 U.S. 551, 579 (2005)(relying on international human rights law to hold that sentencing juveniles to death violates the Eighth Amendment).

[39] W.E.B. Du Bois, *Black Reconstruction in America* (New York, N.Y.: Harcourt, Brace and Co.,1935), p. 670, also stating:

> It is always difficult to stop war, and doubly difficult to stop a civil war. Inevitably, when men have long been trained to violence and murder, the habit projects itself into civil life after peace, and there is crime and disorder and social upheaval, as we who live in the backwash of World War know too well. But in the case of civil war, where the contending parties must rest face to face after peace, there can be no quick and perfect peace. When to all this you add a servile and disadvantaged race, who represent the cause of war and who afterwards are left near naked to their enemies, war may go on more secretly, more spasmodically, and yet as truly as before the peace. This was the case in the South after Lee's surrender.

Id., p. 137 ("The courts aided the subjection of Negroes.")

Id., p. 138 ("[T]he black man does not receive the faintest shadow of justice.")

Id., p. 144 ("They don't know where to complain or how to seek justice after they have been abused and cheated. The habitual deference toward the white man makes them fearful of his anger and revenge.")

Id., p. 167 ("Negroes could come into court as witnesses only in cases in which Negroes were involved. And even then, they must make their appeal to a jury and judge who would believe the word of any white man in preference to that of any Negro on pain of losing office and caste.")

And see, also, W.E.B. Du Bois, "The Souls of Black Folk," *Writings* (New York, N.Y.: The Library of America, 1986), p. 386, stating: ("[T]o leave the Negro in the hands of Southern courts was impossible…. [T]he regular civil courts tended to become solely institutions for perpetuating the slavery of blacks. Almost every law and method ingenuity could devise was employed by the legislatures to reduce the Negroes to serfdom—to make them the slaves of the State, if not of individual owners….")

end, the United States Supreme Court has frequently spoken to this very issue and concern. See, e.g., *Civil Rights Cases*, 109 U.S. 3, 22 (1883)(right to court access safeguarded under Section 1 of the 1866 Civil Rights Act); *Monroe v. Pape*, 365 U.S. 167, 175-177 (1961)(Sec. 1983 safeguards against dysfunctional state courts); *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978)(judicial reactionism strangulated the 14th Amendment and court access); *Patsy v. Board of Regents of State of Florida*, 457 U.S. 496, 503 (1982) (Sec 1983 safeguards against dysfunctional state courts); and *Ake v. Oklahoma*, 470 U.S., 68, 77 (1985)("meaningful access to courts").

Moreover, the plight of African American and other plaintiff's civil rights lawyers is especially relevant to the topic of *Jus Cogens*.[40] Thus, acting as private attorney generals, who are entrusted with Congressional authority to enforce important federal civil rights policy contained in federal civil rights laws,[41] any sort of "First-Amendment" chilling of these lawyers ability to effectively advocate for their clientele expressly

---

[40] See, e.g., Charles Hamilton Houston, "The Need for Negro Lawyers," *The Journal of Negro Education*, Vol. 4, No. 1 (Jan., 1935), pp. 49-52, stating:

> The social justification for the Negro lawyer as such in the United States today is the service he can render the race as an interpreter and proponent of its rights and aspiration. There are enough white lawyers to care for the ordinary legal business of the country if that were all that was involved. But experience has proved that the average white lawyer, especially in the South, cannot be relied upon to wage an uncompromising fight for equal rights for Negroes. He has too many conflicting interests, and usually himself profits as an individual by that very exploitation of the Negro which, as a lawyer, he would be called upon to attack and destroy.

[41] See, e.g., *Newman v. Piggie Park Enterprises, Inc*., 390 U.S. 400, 402 (1968)("When a plaintiff brings an action under [Title II of the Civil Rights Act of 1964], he cannot recover damages. If he obtains an injunction, he does so not for himself lone, but also **as a "private attorney general,"** vindicating **a policy that Congress** considered of the **highest priority**.")

violates the principle of *Jus Cogens*; Art. 8 of the Universal Declaration of Human Rights;[42] and Art. 2(2) of ICERD.[43]

The lead case in this matter is undoubtedly *NAACP v. Button*, 371 U.S. 415 (1963), because this case dealt with the state of Virginia's levying retaliatory sanctions against various civil rights attorneys for consulting with persons whose civil rights may have been violated or jeopardized by various racially-discriminatory measures taken against them within the state of Virginia.

There, amongst other things, the Supreme Court expressly held in *NAACP v. Button* that "civil rights litigation" is a form of "**protected First Amendment speech**," and stated that "abstract discussion is not the only species of communication which the Constitution protects; the First Amendment also protects **vigorous advocacy**, certainly of lawful ends, against governmental intrusion.")[44]

It is clear that Attorney Ford, who is himself an African American lawyer, who, while acting as a "***private attorney general***" during the enforcement of the Ku Klux Klan Act of 1871 (42 U.S.C. § 1983) on behalf of his indigent client who claimed that he had been framed by several Deputy Sheriffs and wrongfully convicted, due in part to wrongfully-withheld video evidence, was engaged in the same type of "vigorous

---

[42] See, generally, *In re Ford*, 6:25-mc-0008, Doc. # 11, "Memorandum of Law and Book Report" [a summary of Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York, N.Y.: Oxford Univ. Press, Inc., 1976)](describing a "stratified" American bar association that is characterized as a "racial or ethnic hierarchy" [pp. 66, 72-73, 108, 117 -118, 128,] designed "to preserve and Anglo-Saxon professional elite,"[p. 118] and discussing at length the history of de jure and de facto racial discrimination—including the weaponization of disciplinary proceedings—among the bar and bench of the United States. ""Contempt citations and disciplinary proceedings expressed the hostility of bench and bar toward professional dissidence; bar associations resumed their familiar role as 'prosecutor rather than protector' of lawyers who defended unpopular clients." [p. 289]. "If trials could be initiated to harass dissidents, so disciplinary proceedings could be instituted to intimidate their attorneys, whose zealous defense was translatable into 'misconduct' and 'moral turpitude.'" [p. 291]. Once the legal profession was racially integrated during the 1960s, a "disintegration of legal authority" ensued [pp. 263 - 291], whereby "disciplinary proceedings could be instituted to intimidate… attorneys, whose zealous defense was translatable into 'misconduct' and 'moral turpitude.'").

[43] Under international treaty law, Article 2(2) of the International Convention for the Elimination of Racial Discrimination (ICERD), the United States has the express duty to "when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms."

[44] *NAACP v. Button*, 371 U.S. 415, 429 (1963).

advocacy" contemplated as being constitutionally-protected First-Amendment activity in *NAACP v. Button*.

In the Eleventh Circuit, in order to set forth a *prima facie* claim of First-Amendment reprisal, a person must demonstrate the following legal elements: (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech. See, e.g., *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008).

Here, Attorney Ford set forth a *prima facie* First-Amendment reprisal claim. This was done, firstly, before Judge Dalton himself; next, this was done before the Grievance Committee for the Middle District of Florida and before Judge Barber; and, subsequently, this has been interposed in all subsequent communications to every other reviewing official, whether he or she be a judge or acting in some other capacity on behalf of the bar or bench. Hence, the entire state and federal governmental apparatus involved has clear notice of this plausible First-Amendment reprisal complaint.

Specifically, when Judge Barber did not relent, Attorney Ford decided to voluntarily resign from the federal bar of the U. S. District Court for the Middle District of Florida on August 5, 2025.[45] And yet this was no ordinary voluntary resignation; but, rather, it was, in strictly legal terminology, a "*resignation in protest*" or a "*constructive discharge*" from the rolls of the bar of that District Court.[46] Therefore, this voluntary

---

[45] *In re Roderick Ford*, 6:20-mc-0008 (USDC MD Fla. 2025), Doc. # 21 ("Notice of Voluntary Resignation from the Bar of the Middle District of Florida").

[46] See, e.g., *In re Roderick Ford*, 6:20-mc-0008 (USDC MD Fla. 2025), Doc. # 21 ("Notice of Voluntary Resignation from the Bar of the Middle District of Florida"), **Appendix A**, which is titled "**Federal Courts Have Evaded the Unique Plight of Black Citizens,**" to wit:

> **Part A** to that Appendix cites See, e.g., Kermit L. Hall, "The Civil War as a Crucible for Nationalizing the Lower Federal Courts," *Prologue Magazine*, Vol. 7, No. 3 (Fall 1975),
>
> **Part B** to that Appendix cites William L. Patterson, editor, *We Charge Genocide: The Crime of Government Against the Negro People* (New York, N.Y.: International Publishers, 1951).
>
> **Part C** to that Appendix cites U. N. Committee on the Elimination of Racial Discrimination, "Report Submitted by State Parties Under Article 9 of the Convention" (Third Periodic Reports of States Parties Due 1999)(Addendum, United States of America)(September 21, 2000), ¶ 79.
>
> **Part D** to that Appendix cites Justice Lewis F. Powell's majority opinion in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978)("The Equal Protection Clause, however, was '[v]irtually strangled in infancy by post-civil war judicial reactionism.')

resignation constitutes a *Jus Cogens* charge of the denial of basic human rights and specially the deprivation of the right to court access to an effective remedy in violation of Article 2(2) of the ICERD.

II. Direct Petitions to the United Nations and (or) Florida's State Courts Are Expressly Permitted when the National Courts Fail, or Refuse, to Provide Effective Remedies; and the Florida Supreme Court Does not Require Members of Its Bar to Also be Members of Federal Bar within Its State

On Friday, September 26, 2025, Attorney Ford met with a member of The Florida Bar via Zoom video conference in order to discuss Attorney Ford's viewpoint, options, and a pathway forward.

For all of the foregoing violations of the principle of *Jus Cogens*, as well as the constitution of the United States, as set forth in Part I, above, Attorney Ford intends to officially and permanently "resign in protest" from federal bars of the Middle and Southern Districts of the U. S. District Courts within the state of Florida.

In making this resignation, and notwithstanding Judge Barber's expressed unjust criticism,[47] Attorney Ford does hereby re-state, in no uncertain terms, his original position in response to the Grievance Committee's Report and Recommendation, namely:

> "Attorney Roderick Ford is completely innocent of the charges being levied against him and, because of his race (Black/ African American) and status as a civil rights attorney, the punishment being requested appears to be both racially and politically motivated within the context of world race relations involving White persons and Black persons around the world—e.g., the arrest, charges, trial, incarceration, ultimate vindication of **Nelson Mandela, Esq. (1918 – 2013)** in South Africa being an exemplification of the subject matter being raised in this motion being filed pursuant to, inter alia, Rules 1, 11(b)(2) and 60(d) of FRCP."

Part E to that Appendix cites Gustavus Myers, *History of the Supreme Court of the United States* (Chicago, IL: Charles H. Kerr & Co., 1912).

[47] See generally, "Motion for Clarification," *In re Roderick Ford*, 6:20-mc-0008, Doc. # 13, filed July 3, 2025, p. 5 ("My reasons for engaging in such vigorous civil rights advocacy are a matter of my own clear conscience; and, like Nelson Mandela, Attorney Ford cannot renounce his conscience—as this Court's sanctions order suggest that I must do.")

The First Amendment, U. S. Constitution, affords Attorney Ford the constitutional right to resign from these bars— and especially to "resign in protest" against all of the foregoing reasons.

The Florida Supreme Court does not, and cannot, require Attorney Ford to remain as a member of the said federal bars. Article I, Section 21 of the Florida Constitution ("access to courts"), together with the principle of *Jus Cogens*, prohibit the Florida Bar and the Florida Supreme Court from denying to Attorney Ford the privilege of practicing law within its several courts, because he has "*resigned in protest*" from the federal bars of the Middle and Southern Districts of the U. S. District Courts within the state of Florida.[48]

The Eleventh Circuit Court of Appeals need not require Attorney Ford the federal bars of the Middle and Southern Districts of the U. S. District Courts within the state of Florida, in order to remain an active member of the Eleventh Circuit, because Attorney Ford is currently a member of the Northern District of the U. S. District Court, where is lives and works from his home office in Gainesville, Florida.

Also, as an international human rights advocate, Attorney Ford has elected instead to file at the **United Nations Human Rights Council** (Geneva, Switzerland; https://www.ohchr.org/en/hrbodies/hrc/home) and (or) the Florida Supreme Court [and its lower tribunals] all other petitions on behalf of himself and (or) other persons, whose rights under Article 8 of the UDHR and Article 2(2) of the ICERD have been violated in the Middle and Southern Districts of the U. S. District Courts within the state of Florida.

Transfer of Attorney Roderick Ford's Civil and Human Rights Cases to the United Nations Human Rights Council & State Courts in Florida	
U.S. District Court, Middle District of Florida ------→	***United Nations Human Rights Counsel***

[48] Significantly, Footnote # 1 within the "Notice of Voluntary Resignation from the Bar of the Middle District" expressly noted Attorney Ford's intent to resume his civil and human rights advocacy within the state courts of Florida; namely, "[f]undamentally, the same genre of cases litigated in the District Court may also be litigated, under Florida law, in the state courts; and I intend to continue to serve the communities of Florida as an Officer of the Court for the Supreme Court of Florida." See *In re Roderick Ford*, 6:20-mc-0008 (USDC MD Fla. 2025), Doc. # 21 ("Notice of Voluntary Resignation from the Bar of the Middle District of Florida").

U. S. District Court, Southern of Florida ----------→	and (or); **The State Courts for the State of Florida**

Neither the Eleventh Circuit Court of the Appeals, or the Florida Supreme Court, has authority to deny to Attorney Ford the fundamental First-Amendment right to make this "***self-help***" remediation of his problem of having been unconstitutionally and unlawfully denied court access within "Middle and Southern Federal District Courts" in Florida.[49]

CONCLUSION

The evasion of judicial reactionism and First-Amendment reprisals against competent civil rights lawyers is today a major constitutional crisis. This crisis amongst African American civil rights lawyers is historic and well-known.[50]

For this reason, neither The Florida Bar nor the Eleventh Circuit Court of Appeals may evade, with callous indifference, the plain fact that U. S. District Court Judge Roy Dalton did not have a valid factual or legal basis to refer Attorney Ford to the Grievance Committee of Middle District of Florida to begin with. In fact, this referral was not simply an abuse of judicial discretion, but rather it was also a naked violation of the principle of *Jus Cogens (both international customary and treaty law)*, in addition to the Constitution and laws of the United States. There is not a scintilla of evidence that Attorney Ford's discharge of his professional judgment and discretionary authority, while acting as an officer of the court, ran afoul of any ethical rules or standards.

In fact, Judge Dalton's referral constituted a First-Amendment reprisal action against Attorney Ford; and the Middle and Southern U.S. Districts of Florida; the Eleventh Circuit Court of Appeals; and The Florida Bar are potentially vicariously liable as a "*cat's paw*" to Judge Dalton's discriminatory and retaliatory actions.[51]

Under this set of circumstances, Attorney Ford is allowed to take self-help measures by resigning from the rolls as a member of the U. S. District Courts' Middle and Southern Districts of Florida, while remaining on the rolls as a member of the bar of

---

[49] see **Exhibit B**, "Commentary on J. Clay Smith's *Emancipation: The Making of the Black Lawyer 1844-1944*."

[50] Id.

[51] 18 U.S.C. 242 (Sec. 2 of the 1866 Civil Rights Act) does not shield federal judges from criminal liability for violating Section 1 of that Act. And the Code of Conduct for United States Judges expressly proscribes the same discriminatory and retaliatory conduct.

the Florida Supreme Court and the Eleventh Circuit Court of Appeals. And this he has done or intends to do.

WHEREFORE, the Executive Director of The Florida Bar is herein requested to terminate and close the above-captioned inquiries, forthwith.

Respectfully Submitted,

Rev. Roderick Andrew Lee Ford, Esq.
FBN: 0072620
The Methodist Law Centre at Sante Fe
Post Office Box 357091
Gainesville, Florida 32635
(352) 559-5544
(813) 223-1200
(813) 223-4226- facsimile
(800) 792-2241- toll free
Email: methodistlawcentre@gmail.com

Copy Furnished:

Attorney General of the United States

President, The Florida Bar

Clerk, U. S. Circuit Court of the Eleventh Circuit

Clerk, U. S. District Court for the Middle District of Florida

Clerk, U.S. District Court for the Southern District of Florida

President, The Ordinary People Society

President, The American Civil Liberties Union

President, The American Bar Association

President, The National Bar Association

Executive Director, The NAACP Legal Defense Fund

Executive Director, International Association of Jewish Lawyers and Jurists

Executive Director, Southern Poverty Law Center

Attorney Bryan Stevenson, Equal Justice Initiative

EXHIBT A

LETTER TO U. S. ATTORNEY GENERAL (July 3, 2025)

Office of the Attorney General of the United States
ATTN: Honorable Pam Bondi
U. S. Department of Justice
900 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2000

*****

Most ominously, Judge Dalton's Order expressly found "that Plaintiff's counsel has acted in bad faith in litigating this case."[52] There is not a scintilla of evidence to support this claim, because what Judge Dalton calls "bad faith" is constitutionally-protected, First-Amendment complaints against judicial misconduct, as per the *Code of Conduct for United States Judges*.[53]

Judge Dalton's evidence of "bad faith" is cited in the following four documents in the record:[54]

Judge Dalton's First Allegation of "Bad Faith"

Judge Dalton's first allegation of "bad faith" [55] is based upon the Plaintiff's "Motion to Vacate and For Reconsideration." Here, Judge Dalton cites pages 4 and 13-14 in within this motion as indicia of "bad faith."

---

[52] But there is not a scintilla of evidence demonstrating "bad faith" litigation anywhere in the case.

[53] The same judicial complaint was made against Judge Mendoza. See, e.g., "Response to Order To Show Cause," doc 28, filed 09/07/2023 in *Rembert v. Dunmar Estates Homeowners Association*, 6;22-cv-00544-CEM, pp. 11-13, "**Affirmative Defenses**," discussing "right to treat charges of racial discrimination or racial bias as cognizable "**civil rights complaints**," under the ethical codes under the *Code of Conduct for United States Judges* and *The Rules Regulating the Florida Bar*.

[54] See, Judge Dalton's "Order," filed 09/26/2023, Doc. # 147, *Heid v. Orange County Sheriff's Office*, et al, supra, p. 4, cites three examples of "bad faith," as "**Doc. 125**, 4, 13-14 ["**Motion to Vacate and for Reconsideration**"]; **Doc. 135**, 3, 5-6 ["**Notice of Filing**: Appendix to Amended Plaintiff's Reply"]; and **Doc. 145**, 6-7 ["**Motion for Reconsideration**"]."

[55] *Heid v. Orange County Sheriff's Office*, et al, supra, **Doc. 125**, 4, 13-14 ["**Motion to Vacate and for Reconsideration**"]

Specific Language That Judge Dalton Found to be "Bad Faith"

Page 4 states:

"The Court's conclusion has the operative effect of great oppress[ion of] indigent litigants. We believe that such operative effect is inherently repugnant to the legislative intent of 42 U.S.C. § 1983, because that statute was directed as the 'customs and usages' of the 'badges and incidents of slaver[y]'" which led to the deprivations of constitutional rights. We believe that a U.S. District Court which callously disregards the legislative objective of 42 U.S.C. § 1983, when considering whether to allot sufficient time for the family member of an indigent prison inmate (i.e., the mother, and wife) and a non-profit, faithbased legal services firm (i.e., The Methodist Law Centre) to raise sufficient funds to hire the services of a police practices expert and video forensic expert violate Rule 1 of the Federal Rules of Civil Procedure as well as the *Code of Conduct for United States Judges*. In truth, this Court never seriously asked the Plaintiffs, 'how much time do you need to raise the funds[?]' in order to fairly assess new video evidence. Instead, it has simply made two arbitrary deadlines for the Plaintiffs to complete their expert discovery reports. These deadlines, we believe, violate the due process clause of the United States Constitution."

Pages 13-14 states:

"By the plain text of this Rule 1, we believe that this Court has an obligation to meaningfully and fairly apply the words "inexpensive determination" the question of whether…. The end result is that, this Court's orders on this issue, since April 2023, have been arbitrary and oppressive, and we believe that they have violated Rule 1 of the Federal Rules of Civil Procedure. And, for the same reasons, we believe the *Code of Conduct for U.S. Judges* requires federal judges to make the same basic analysis, and consideration, and reach the same conclusion, from a judicial ethics perspective as well.

Judge Dalton's Second Allegation of "Bad Faith"

Judge Dalton's second allegation of "bad faith" is based upon a routine "notice to the court"[56] whereby attorneys provide the Court with basic updates on the status of the litigation. Here, the Court apparently desired an update on the status of the scheduling of a Mediation Conference. Attorney filed this notice in order to inform the Court as to the nature of the negotiations between the parties as well as the status of the mediation.

[56] *Heid v. Orange County Sheriff's Office*, et al, supra, **Doc. 135**, 3, 5-6 ["**Notice of Filing**: Appendix to Amended Plaintiff's Reply"]

Judge Dalton thus cites pages 3, 5-6 of this "Notice of Filing," as indicia of "bad faith," as follows:

> **Specific Language That Judge Dalton Found to be "Bad Faith"**
>
> The Notice (court document, with an attached Attorney Letter), states:
>
> > "the attached APPENDIX, which is correspondence that clearly demonstrates the Plaintiff's good faith efforts to work with the Defendants, to negotiate in good faith, and to settle/ reschedule the Mediation Conference."
>
> The attached Attorney e-Letter to Opposing Counsel:
>
> "Good day, Mr. Moes and Mr. Dietrich:
>
> "This is a quick note to inform you that I am preparing a 'Demand Letter" which shall be in the nature of an Appellate-Style Memorandum of Law/ Initial Brief to the U.S. Circuit Court of Appeals, so that we do not waste any time about what the real issues are.
>
> "As this point, we really need to get to the bottom line…
>
> "We are also attaining the Professional Practices Memorandum/Report from Expert Gregory Gilbertson—we will use it in any Mediation, come what may; and we are prepared to submit it to the Eleventh Circuit, the news media, and the U.S. District Court on a motion for reconsideration. Bottom line: every thing is still in play, as far as we are concerned.
>
> "We do not believe that Judge Dalton will rule in our favor due to judicial bias; we believe that he should recuse himself; and we do believe that the Law on 4th Amendment Unreasonable Search and Seizure and the Usage of Deadly Force is clearly on our side. We also believe that the Eleventh Circuit will have no option but to undo/reverse Judge Dalton's adverse ruling.
>
> Our concerns with Judge Dalton are fundamental and strike at the core of judicial ethics, as well as the legislative history of the Civil Rights Act of 1871!…."[57]

[57] To this, opposing counsel Brian Moes wrote, "Understand that I hold the view that no viable basis exists to seek **an interlocutory review** of the very damaging evidentiary rulings of the district court. Maybe your memorandum will change my view. But at the moment I am skeptical…." Id. This demonstrates that all parties understood: the PLAINTIFF'S POSITION and Attorney Ford's assertions reflected an intent to seek relief from Judge Dalton's "alleged" unjust rulings from the Eleventh Circuit Court of Appeals. **This is therefore protected speech under the First Amendment**. Wherefore, in an attorney disciplinary proceeding, an accused attorney ought to be able to defend himself, should he present a prima facie counter-claim of First-Amendment reprisal. The elements of a First-Amendment

Judge Dalton's Third Allegation of "Bad Faith"

Judge Dalton's third allegation of "bad faith" is referenced in Attorney Ford's "Motion for Reconsideration."[58] Here, Judge Dalton pages 6-7 of the motion as indicia of "bad faith," as follows:

> **Specific Language That Judge Dalton Found to be "Bad Faith"**
>
> "On June 15, 2023, Plaintiff Heid again emphasized his indigency status as a material factor in his "Motion to Vacate Order and for Reconsideration" doc.# 125….
>
> "The cumulative effects of this Court's Orders, since March 31, 2023, have denied to Plaintiff Heid his right to due process of law because of his indigency status. In this case, the Plaintiff simply needed sufficient time to be able to raise the necessary funds in order to afford the services of Expert Witnesses, but this Court has denied this sufficient time to the Plaintiff.
>
> "We believe that, up to this point, this Court has improperly failed to address, or to fairly resolve, the Plaintiff's motions for time extensions in light of his indigency status. We believe that the equitable provisions in 28 U.S.C. § 453 [5]and Rule 1 of the Fed. R. Civ. P.,[6] in light of Plaintiff Heid's indigency status, required this Court to make a meaningful inquiry into exactly how much time Heid's family members and lawyers needed to raise the necessary funding to secure the services of a Police Practices Expert. See, e.g., Richard M. Re, "Equal Right to the Poor," *University of Chicago Law Review*, stating that the doctrine of equity has historically been utilized to defend the Poor…."
>
> Footnote [5] states: "Furthermore, Federal Judges have sworn an "Oath of Justices and Judges," as per 28 U.S.C. § 453, that expressly require federal judges to ensure that the poor have an "'equal right to justice' as the rich…."
>
> Footnote [6] states: "Rules 1 and 2 of the Fed. R. Civ. P. affirm the proposition that actions at law and suits in equity have been merged into one action-- the civil action. See, e.g., *Petrella v. Metro-Goldwyn-Mayer*, 572

constitutional claim are derived from *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008): (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech. Here, Attorney Ford can demonstrate a prima facie case of reprisal.

[58] *Heid v. Orange County Sheriff's Office*, et al, **Doc. 145**, 6-7 ["**Motion for Reconsideration**"].

> U.S. 663, 188 L.Ed. 2d 979 (2014); *Federal Reserve Bank of Atlanta v. Thomas*, 220 F.3d 1235, 1242 n.5 (11th Cir.2000)."

Judge Dalton's Fourth Allegation of "Bad Faith"

First, Judge Dalton's fourth allegation of "bad faith" is found in the Court's Order,[59] which indirectly referenced Attorney Ford's "Response to Motion for Summary Judgment," which attached two expert witness reports—allegedly in contradiction to Judge Dalton's prior ruling—to the said response, as follows:

> **Specific Language That Judge Dalton Found to be "Bad Faith"**
>
> "Federal Judges have sworn an 'Oath of Justices and Judges,' as per 28 U.S.C. § 453, that expressly require federal judges to ensure that the poor have an "equal right to justice" as the rich… For this reason, the Plaintiff contends that Exhibits B and C ought to have been admitted as primary evidence in this action, due to the Plaintiff's indigency status. However, the Plaintiff hereby proffers Exhibits B and C as 'rebuttal evidence' only, pursuant to Rule 56 of the Fed. R. Civ. P.
>
> "For this reason, in order to do complete justice in this case, and to comply with this Court's solemn obligation pursuant to 28 U.S.C. § 453, Plaintiff Heid hereby proffers, as 'rebuttal evidence only,' and pursuant to Rule 56 of the Federal Rules of Civil Procedure, the following expert reports, to wit:
>
> **Exhibit B**. Forensic Videography Report of Nick Barreirro
>
> **Exhibit C**. Police Practices Expert Report of Gregory Gilbertson [1]
>
> "Plaintiff Heid is an incarcerated, indigent civil rights litigant. He could not afford to secure these reports until after this Court's deadlines. Rather than offer these reports as evidence, the Plaintiff hereby proffers these reports as rebuttal evidence pursuant to Rule 56."
>
> Footnote 1 states: "Plaintiff Heid hereby preserves the right to appeal to the U.S. Eleventh Circuit Court of Appeals all of this Court's Order which have denied the Plaintiff's the opportunity to present Exhibits B and C as primary evidence in this action."

[59] See, Judge Dalton's "Order," filed 09/26/2023, Doc. # 147, *Heid v. Orange County Sheriff's Office*, et al, supra, p. 4.

Judge Dalton's finding that the language in these four court pleadings constituted "bad faith" litigation is a clear abuse of judicial discretion; because this language, which Attorney Ford utilized, is professionally written and constitutes "legitimate legal advocacy" by a member of the bar and an officer of the court. This is true despite the fact that the language clearly expressed dissatisfaction with Judge Dalton's prior rulings; the effects of those ruling upon Mr. Heid and other similarly-situated indigent persons; and references to other statutes and ethics codes.

An attorney's claim or grievance against judicial officers or judicial actions, pursuant to the *Code of Conduct for United States Judges*, 42 U.S.C. § 1983 ("Deprivation of Civil Rights," or 18 U.S.C. § 453 ("Oath for Justices and Judges") is constitutionally protected First-, Fifth-, and Thirteenth-Amendment activity.[60] In addition, the practice of law is a "privilege," and so Judge Dalton's unsubstantiated sanction against Attorney Ford merely for use of the language set forth in these four court pleadings also constitutes a violation of the "Privileges and Immunities" Clause (Art. 4, Sec. 2., U.S. Constitution).

Specifically, Attorney Ford's "notice to the Court"[61] and the notice's attached appendix [i.e., an email from Attorney Ford to opposing counsel] contains language that no objective, fair-minded judge would consider to be "bad faith" litigation; because, although this language expresses the Plaintiff's or Attorney Ford's doubts about Judge Dalton's impartiality and fairness—which the *Code of Conduct for United States Judges* clearly prohibits—the said language in these four documents is also in the nature a professionally-written, constitutionally-protected judicial complaint, protected under the First Amendment.[62]

Furthermore, Attorney Ford's "Motion for Reconsideration"[63] is clearly constitutionally-protected under the First Amendment; because it simply and merely advocates for "the cause of the poor," citing 28 U.S.C. § 453, "Oath of Justices and Judges" and *Ake v. Oklahoma*, 470 U.S. 68 (1986)(rights of indigent criminal defendants), and stating "[t]he cumulative effects of this Court's Orders, since March 31, 2023, have denied to Plaintiff Heid

---

[60] The text of the First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and **to petition the Government for a redress of grievances**." The elements of a First-Amendment constitutional claim are derived from *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008): (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech. Notably, there is *no judicial immunity* for such violations, within the context of race-based discrimination against a litigant, under 18 U.S.C. § 242 ("Deprivation of Rights Under Color of Law"). See, e.g., *Dennis v. Sparks*, 449 U.S. 24, 31 (1980); *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976); and *O'Shea v. Littleton*, 414 U.S. 488, 503 (1974).

[61] Id., **Doc. 135**, 3, 5-6 ["**Notice of Filing**: Appendix to Amended Plaintiff's Reply"]

[62] This is, simply put, this is not "bad faith," but rather it is "candor"; it is professional language that falls within the safeguards of the First Amendment right to petition. That exact same language could have been inserted in a Motion to Recuse or a Motion to Disqualify Judge Dalton and, howsoever he might disagree with the language in principle, Attorney Ford had a First Amendment right to assert it.

[63] *Heid v. Orange County Sheriff's Office*, et al, **Doc. 145**, 6-7 ["**Motion for Reconsideration**"].

his right to due process of law because of his indigency status…." A court-imposed sanction against such advocacy is also a clear violation of the First Amendment and constitutes unconstitutional reprisal.[64]

Finally, Attorney Ford's attachment of the two expert witness reports to his "Response to the Defendants' Motion for Summary Judgment" is also constitutionally-protected law practice; because clearly-existing law[65] allowed him to make a "proffer" of the said expert reports, in order to preserve the record for an appeal to the Eleventh Circuit.

Moreover, Attorney Ford has explained in at least three court documents that Plaintiff Heid was dissatisfied with Judge Dalton's previous rulings on the expert witness reports; and, as such, Attorney Ford took steps to reserve a de novo or abuse of discretion review from the court of appeals, to wit:

Three Documents Explained the Reasons for the Proffer of the Expert Witness Reports

"**Response in Opposition to Defendants' Motion for Summary Judgment**," Doc. # 139, filed 09/05/2023, p. 4 n 1.[66]

"**Motion for Reconsideration and Response to Order to Show Cause**," Doc. # 145, filed 09/18/2025, p. 1-2, 9-16.

"**Objection to Grievance Committee's Report and Recommendation**," Doc. # 7, filed 02/15/2025, p. 4, 8-10.[67]

---

[64] The elements of a First-Amendment constitutional claim are derived from *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008): (1) the speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech.

[65] Wright and Graham, 21 *Federal Practice and Procedure* § 5034.4 "Admits or Excludes Evidence," stating "**if the judge excludes the evidence when offered generally, the proponent must make an offer of proof for a limited purpose to preserve error under Rule 105 for appeal**." Significantly, Plaintiff's counsel's "Response to Order to Show Cause," (*Heid v. Orange County Sheriff's Office*, et al, 6:20-cv-00727, doc. # 145, 9/18/2023), was expressly filed, inter alia, "pursuant to Rule 105 of the Federal Rules of Evidence."

[66] Page 4 states, "in order to do complete justice in this case, and to comply with this Court's solemn obligation pursuant to 28 U.S.C. § 453, Plaintiff Heid hereby proffers, **as "rebuttal evidence only,"** and pursuant to Rule 56 of the Federal Rules of Civil Procedure, the following expert reports, to wit…." **Exhibit B**. Forensic Videography Report of Nick Barreirro and **Exhibit C**. Police Practices Expert Report of Gregory Gilbertson. Footnote # 1, on page 4, states, "**Plaintiff Heid hereby preserves the right to appeal to the U.S. Eleventh Circuit Court of Appeals all of this Court's Order which have denied the Plaintiff's the opportunity to present Exhibits B and C as primary evidence in this action**."

[67] Page 10 states, "Notably, in bench trials or hearings outside of the presence of a jury, such as in summary judgment procedures, a "proffer of evidence" presents no unfair prejudice to the case. See, e.g.,

No objective, fair-minded judge would the proffer of the two expert witness reports to constitute "bad faith" litigation, because, to the contrary, Attorney Ford's language, which was utilized in the "Response to the Defendants' Motion for Summary Judgment,"[68] represents legal advocacy of the highest quality, based upon Rule 1 of Fed. R. Civ. P. ("inexpensive determination of every action and proceeding") and that Judge Dalton's refusal to permit an indigent litigant sufficient time to raise money to pay for an expert violates the due process clause in the U. S. Constitution.

EXHIBIT B

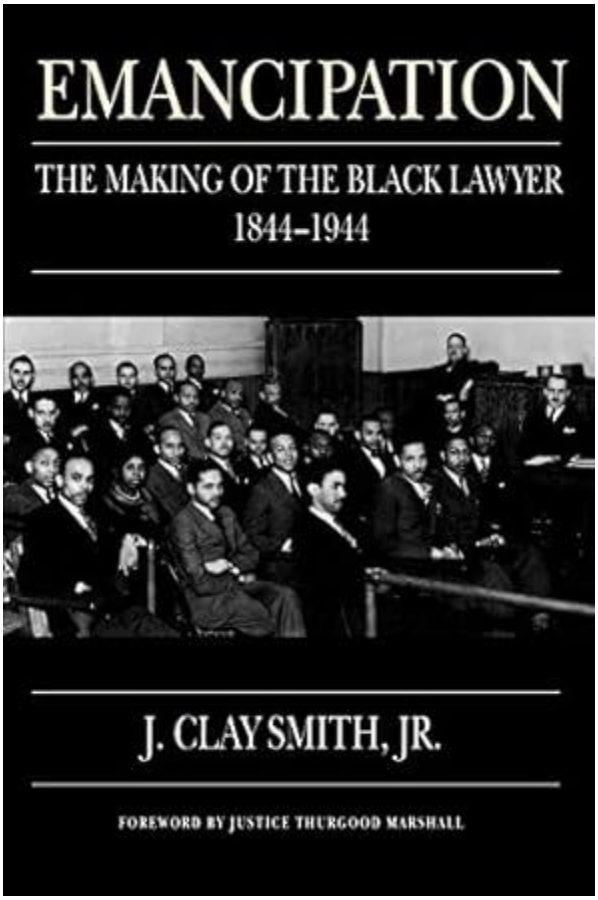
Gulf States Utils. v. Ecodyne Corp., 635 F.2d 517 (5th Cir. 1981) (the portion of Rule 403 referring to prejudicial effect and confusing evidence "has no logical application in bench trials").

[68] I.e., the legal justification for why the two expert reports were being attached was expressly stated in the pages of the "Response to the Defendants' Motion for Summary Judgment." This legal justification, which was both professionally-written, is constitutionally-protected under the First Amendment, U.S. Constitution.

"A Commentary on J. Clay Smith's *Emancipation: The Making of the Black Lawyer 1844 – 1944"*

By

Roderick Andrew Lee Ford, Esq.



The constitutional foundation and safeguard for African American lawyers and judges is not only the Due Process Clause contained in the 5th Amendment, U. S. Constitution (as for nearly every white or non-black lawyer or judge), but instead it finds is unique roots in the Thirteenth Amendment and the 1866 Civil Rights Act.

The Thirteenth Amendment, which was enacted by Congress in 1865, proscribes slavery and involuntary servitude (i.e., the "badges and incidents" of slavery). See, e.g., the *Slaughterhouse Cases*, 83 U.S. 36 (1872); the *Civil Rights Cases*, 109 U.S. 3 (1883); and *Jones v. Alfred H. Mayer*, 392 U.S. 409 (1968).

The express terms of Section 1 of the 1866 Civil Rights, which Congress enacted pursuant to the enabling clause that is with the Thirteenth Amendment, states:

> Be it enacted . . . , That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, **to make and enforce contracts, to sue, be parties, and give evidence**, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, **as is enjoyed by white citizens**, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Appropriately building upon this constitutional history, legal historian J. Clay Smith's landmark research on the history and plight of African American lawyers is appropriately titled *Emancipation: The Making of the Black Lawyer 1844 – 1944. In this work, then-sitting Association Justice* Thurgood Marshall wrote an introduction to this work, stating:

> 'Long before the Civil Rights Movement ever crystallized the plight of African Americans, Negro lawyers had identified the inequities in the legal order and begun to lay the foundation for social change….
>
> [T]hese lawyers worked diligently to protect and expand the rights of African Americans and to ensure, case by case, that justice would not forever be delayed.'[69]

Through this book, Professor Smith painstakingly and lucidly explained the conditions and the plight of African American lawyers, as they entered the American legal profession, stating:

> As the Reconstruction era began, the need for black lawyers who were 'to serve the newly freed black population' was recognized in the South, but 'Negrophobia [remained] prevalent,' thwarting the progress of the black

[69] J. Clay Smith, *Emancipation: The Making of the Black Lawyer 1844 – 1944* (Philadelphia, PA: Univ. of Penn, 1993), p. xi.

> lawyer….[70]
>
> "Claims of black lawyers' incompetence were leveled from almost the time blacks first entered the legal profession, but these claims intensified during the Post-Reconstruction era. No matter how many court victories black lawyers won in American courts, they were often the object of 'unjust criticism.' The charge of incompetence slowed the progress of black lawyers, and fed racial stereotypes in the white legal community.[71]

This being a matter of the Congressional history which undergird the adoption of the Thirteenth Amendment and the enactment of the 1866 Civil Rights Act, we must accept the plain fact that the "law" in any attorney-disciplinary proceeding wherein an African American lawyer defends his actions or omissions with evidence sufficient enough for a fact-finder to draw a reasonable inference of discrimination, reprisal, and retaliation, then we ought to remind ourselves that "[t]he life of the law has not been logic: it has been experience…. The law embodies the story of a nation's development through many centuries…. In order to know what it is, we must know what it has been, and what it tends to become. We must alternately consult history and existing theories of legislation."[72]

From the beginning of the entrance of African American lawyers' entrance into the American legal profession, white American judges have unjustifiably stereotyped, unfairly criticized, and sanctioned them for innocent behavior.[73]

As previously mentioned, these judicial actions violate both the Thirteenth Amendment and the 1866 Civil Rights Act. To be sure, and for the very same reasons, these same discriminatory judicial actions also violate the *Code of Conduct for United States Judges*.

For these reasons, an African American lawyer always has a constitutional right to defend his or her own professional conduct, acts, or omissions against unjust judicial claims of professional misconduct.

---

[70] J. Clay Smith, *Emancipation: The Making of the Black Lawyer 1844 – 1944* (Philadelphia, P.A.: Univ. of Penn. Press, 1993), p. 3.

[71] Id., pp. 12 – 13.

[72] Oliver Wendell Holmes, Jr., *The Common Law* (New York, N.Y.: Dover Publications, 1991), p. 1.

[73] See, e.g., J. Clay Smith, *Emancipation: The Making of the Black Lawyer, 1844- 1944*, supra.

But a corollary may also be inferred here: namely, that to divest an African American lawyer from being able to present competent evidence of racially-motivated judicial misconduct or reprisal, is to impose a "badge or incident of slavery" in violation of the Thirteenth Amendment and the 1866 Civil Rights Act.

Competent evidence may be demonstrated through testimony, documents, and arguments that appeal to the text of the Thirteenth Amendment; the 1866 Civil Rights Act; and the *Code of Conduct for United States Judges*.

Here, Attorney Ford has done just this very thing. And the material facts which he has relied upon in setting for his defense are irrefutable and undeniable.

THE END