No. 18-1574

IN THE

Supreme Court of the United States

William Henry Starrett, JR.
Petitioner,

v.

U.S. Department of Defense, et al.,
Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

William Henry Starrett, JR.
Petitioner Plaintiff-Appellant

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QUESTIONS PRESENTED

1. Where all court filing fees have been paid to initiate pursuit, what is the appropriate inquiry for determining when only a litigant's factual allegations justify a dismissal of all claims under Federal Rules of Civil Procedure 12(b)(6) and what is the proper standard of appellate review for such a dismissal?

2. Whether a complaint can survive a motion to dismiss when its factual allegations and claims involve one or more technologies, or capabilities of combined technologies, that are either in development or unfamiliar to a court but instead regarded by a court as nonexistent in lieu of it requiring evidence.

3. Whether, in an initiating complaint, are legally cognizable causes of action sufficient when conforming to Federal Rules of Civil Procedure Rule Eight (8) and supported by factual allegations apart from legal theory or such other further detail creating a reasonable expectation that discovery may surface additional evidence of wrongdoing.

4. Did petitioner, as the plaintiff in the District Court, plead factual matter that, if taken as true, sufficiently alleges in support of federal causes of action or other remedies within the jurisdiction of federal courts?

PARTIES TO THE PETITION

Petitioner in this Court, plaintiff-appellant William Henry Starrett, Jr., was Plaintiff in the district court and an appellant before the Fifth Circuit. Below, he may also be referred to as "STARRETT" or "Plaintiff."

Respondents United States Department of Defense, United States Department of Energy, and United States Department of Justice with their units including Respondents United States Army, United States Army Special Operations Command, United States Army Civil Affairs and Psychological Operations Command, United States Army Reserve Command, United States Special Operations Command, National Nuclear Security Administration, and Defense Advanced Research Projects Agency below may ten (10) collectively be referred to as "Federal Respondents" or "Federal Defendants."

Respondents individually referred to in abbreviation as Respondents or Defendants below include Texas Military Department ("TXMIL"), Lockheed Martin Corporation ("Lockheed Martin"), Lawrence Livermore National Security, LLC. ("LLNL"), National Technology & Engineering Solutions of Sandia, L.L.C. ("SANDIA"), and Microsoft Corporation ("MICROSOFT").

The fifteen (15) Respondent parties may herein collectively be referred to as "Respondents" or "Defendants" where none specified.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

Constitutional Provisions

PETITION FOR A WRIT OF CERTIORARI

William Henry Starrett, Jr. respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in this case.

OPINIONS BELOW

The opinion of the Fifth Circuit is reported at *Starrett v. United States Department of Defense, et al.*, No. 18-11628 (5th Cir. 2019) and is reproduced in Petitioner's Appendix 29a.

The district court's November 10, 2018 judgment and order are reported from *Starrett v. U.S. Department of Defense, et al.*, No. 3:18-CV-02851-M (N.D. Tex. 2018) and appear at Pet. App. 34a and 36a.

The relevant October 30, 2018 Findings, Conclusions, and Recommendation entered in the district court by the magistrate judge is reported at *Starrett v. United States Department of Defense, et al.*, No. 3:18-cv-2851-M-BH (N.D. Tex. Oct. 30, 2018) and is reproduced below at Pet. App. 38a.

JURISDICTION

The judgment of the court of appeals was issued on April 3, 2019. (Pet. App. 32a). This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

RULES OF CIVIL PROCEDURE INVOLVED

Federal Rules of Civil Procedure Rule 8 provides:

> (a) Claim for Relief. A pleading that states a claim for relief must contain:
>
> > (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
> >
> > (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
> >
> > (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.
>
> (d) Pleading to Be Concise and Direct; Alternative Statements; Inconsistency.
>
> > (1) In General. Each allegation must be simple, concise, and direct. No technical form is required.
> >
> > (2) Alternative Statements of a Claim or Defense. A party may set out 2 or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.
> >
> > (3) Inconsistent Claims or Defenses. A party

may state as many separate claims or defenses as it has, regardless of consistency.

(e) Construing Pleadings. Pleadings must be construed so as to do justice.

Federal Rules of Civil Procedure Rule 38(a) confirms: "The right of trial by jury as declared by the Seventh Amendment to the Constitution — or as provided by a federal statute — is preserved to the parties inviolate."

Federal Rules of Civil Procedure Rule 83(b) provides: "Procedure When There Is No Controlling Law. A judge may regulate practice in any manner consistent with federal law, rules adopted under 28 U.S.C. §§ 2072 and 2075, and the district's local rules. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement."

Each of the foregoing rules were effective on or before Dec 1, 2010.

CONSTITUTIONAL PROVISIONS INVOLVED

The First Amendment to the United States Constitution guarantees: "Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances."

The Fifth Amendment to the United States Constitution provides: "No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Seventh Amendment to the United States Constitution imparts: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ..."

The Fourteenth Amendment to the United States Constitution provides: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

Since at least November 8, 2015, the involvement of Petitioner's person and property has been remotely required, against his protests and denial of consent, in trainings, operations, research, and development led by groups of individuals identifying themselves as Respondent United States Department of Defense units including Respondent U.S. Army Psychological Operations staff, Respondent U.S. Special Operations Command personnel, and employees of at least one contractor including Respondent Lockheed Martin Corporation for efforts employing and furthering Respondent U.S. Department of Energy (also through and in coordination with other Respondents) provided research and systems.

The emerging technologies being employed combine satellite-based or satellite-relayed tracking, surveillance, communications, and weapons systems that, in major part, remotely analyze biological systems data to offer capability for interacting with or maintaining communications with a human subject who may not also be equipped in their proximity with instance-related technology for receiving and transmitting audio and visual information.

With apparent week to week "deliverables" focused intervals of experiments, testing, and aggregation of subject matter — arbitrarily timed moments of intentional inflictions of emotional distress often intermittently escalating well beyond a reasonable definition of torture — the still

ongoing twenty-four hour per day seven-days per week forced involvement against Petitioner has resulted in injury, business and professional loss, risk of health and safety, loss of privacy and security, and violations of rights and liberties while being forced under duress to advise, consult, complete tasks, shoulder undue risk requiring him to self-insure without consideration, disclose trade secrets, and supply intellectual property without license or agreement.

The unprecedented nature of use obtained by employing these combined defense systems, as categorically also available under statute[1] and

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[1] Any raw data collected during military trainings and any derivative product from such as obtained through remote monitoring using relevant systems, including but not limited to representations of a human subject's intellectual property, behavioral and location data, and private information, are private property also modernly having intrinsic commercial value but may be available to civilian law enforcement officials under 10 U.S.C. § 271 once taken for public use. All military equipment, including components to these tracking, surveillance, communications, and weapons systems may be made available to local, state, and federal civilian law enforcement under 10 U.S.C. § 272. While next-era tracking for systems components used in the testing, training, operations, research, and development involving Petitioner is enabled by artificial satellites in geocentric orbit without the attachment of a device to a target, the placement of a Global Positioning System tracking device on a suspect's car and using that device for monitoring the vehicle's movements has been determined by this Court to constitute a search under the Fourth Amendment. See *United States v. Jones*, 565 U.S.

known to Respondent United States Department of Justice units and their agents, relies upon the remote collection and mass retention of various categories of data related to one's person and their proximity — remotely sampled then measured, correlated, and modeled using artificial intelligence machine learning tasks in real time.

On October 23, 2018, marked as filed on October 25, 2018, Petitioner brought forth this second[2] civil action against the foregoing

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400 (2012).

[2] On April 7, 2017, it was required of Petitioner to file a civil action (*Starrett v. Lockheed Martin Corp., et al.*, No. 3:17-cv-00988-D (N.D. Tex. 2018)) in the United States District Court Northern District of Texas, Dallas Division to hopefully end his required involvement in this protracted ordeal and initiate recovery from injury and loss. Proceedings for this first action continued further as Case No. 18-10389 in the 5th Circuit, U.S. Court of Appeals. A timely petition for a writ of certiorari associated to said April 2017 action was filed in this Court on November 6, 2018 and placed on the docket by this Court's Office of the Clerk on November 13, 2018 as *William Henry Starrett, Jr. v. Lockheed Martin Corp.*, et al., No. 18-627 (Nov. 6, 2018). On January 7, 2019, this Court entered its denial to review or intervene and Petitioner's timely January 24, 2019 petition for rehearing said was returned by this Court's Office of the Clerk without being noted on the docket or receiving its acceptance as filed. On October 25, 2018, with the often-painful nonconsensual involvement of Petitioner's person and property still being remotely required, a second action was filed with further update and addition of the U.S. Department of Justice as a named Defendant in the United States District Court Northern District of Texas, Dallas Division (*Starrett v. U.S. Department of Defense, et al.*, No.

Respondents to obtain relief from the still-ongoing deprivations of rights, negligence, intentional inflictions of emotional distress, invasions of privacy, forced involvement, thefts, appropriations, and conversions continually requiring Petitioner's person, property, effort, product, and services.

At issue in Petitioner's Complaint, in addition to outcomes including harm and Petitioner's initial effort to finally end his unconsented involvement and recover from direct and proximate actual and potential injury and loss, are how said systems and software programs, and components of thereto, are being issued, received, operated, and maintained in the absence of prudent and lawful guidance.

The October 23, 2018 Complaint adapted Petitioner's April 2017 prior pleading to include updates as to still-ongoing conduct and conditions with clarifications to terminology and concept that had been met with confusion and delay in the district court and Fifth Circuit briefings.

3:18-cv-02851-D (N.D. Tex. 2018)). The district court's final judgment for this action was entered on November 20, 2018 upon the court's *sua sponte* dismissal. Proceedings continued further as Case No. 18-11628 in the 5th Circuit, U.S. Court of Appeals. This herein petition for a writ of certiorari is associated to said October 2018 action. On April 24, 2019, an additional subsequent civil action with clarification and further update to meet statutory deadlines for notice requirements and judicial review was marked as filed in the district court as *Starrett v. U.S. Department of Defense, et al.*, No. 3:19-cv-00988-S (N.D. Tex. 2019).

Petitioner's October 2018 Complaint[3] of one hundred and sixty-three (163) pages stated seventy-three (73) Claims comprising civil statutory causes of action, civil tort causes of action, civil liability and negligence causes of action, and violations of Amendments One, Three, Four, Five, Six, Eight, Thirteen, and Fourteen to The United States Constitution; 42 U.S.C. § 1983; 42 U.S.C. § 1985; and 34 U.S.C. § 12601, under law of agency or the Doctrines of Respondeat Superior or Command Responsibility each where so applicable, seeking declaratory and injunctive relief and award for damages and deprivation of rights, actual and imminent, as guaranteed by the Constitution and laws of the United States and the state of Texas.

On October 30, 2018, United States Magistrate Judge Ramirez entered the *sua sponte* proposal for dismissal, with prejudice, under Federal Rules of Procedure 12(b)(6) for failure to state a claim upon which relief may be granted prior to any appearance to be made by any Defendant or the submittal of

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[3] This October 2018 action contained fifty-two (52) pages of well-pleaded factual allegations set forth fully apart from legal theory from its paragraph number 26 to paragraph number 298. It was instituted upon private Defendant and state government entities either acting as agent to the United States or otherwise, either named or otherwise, for all dates prior to April 30, 2017* and for properly segmented periods having associated sum-certain amounts under each administrative claim presented to federal government department Defendants as enumerated under paragraphs 2-6 in the October 2018 complaint. *Correction to typographical error.

any evidence. See Pet. App. 38a.

The Magistrate's conclusion was that, "Plaintiff alleges for the second time a fantastic and delusional scenario that cannot be remedied by an opportunity to amend or further factual development." See Pet. App. 44a.

On November 12, 2018, Petitioner filed his Objections to the October 30, 2018 Findings, Conclusions, and Recommendation of the United States Judge in support of his factual allegations and Claims with argument showing specific errors in the Magistrate's findings and how particular findings, conclusions, and the recommendation filed by the Magistrate were contrary to law.

On November 20, 2018, Final Judgment for this action was entered with prejudice against Plaintiff upon the Court's accepting the Findings and Conclusions of the United States Magistrate Judge with recommendation of *sua sponte* dismissal. No opportunity was provided by the district court to cure any defects or amend the October 2018 Complaint. See Pet. App. 34a.

Petitioner's timely Notice of Appeal to the Fifth Circuit, U.S. Court of Appeals was recorded as filed by the district court on December 19, 2018.

On April 3, 2019, the Fifth Circuit panel affirmed the district court's dismissal of Petitioner's complaint. See Pet. App. 29a. See also Pet. App. 32a.

The Fifth Circuit Opinion concluded by declaring Petitioner's claims of injury as being "outlandish" and that said complaint-described

inflictions had been "accomplished using nonexistent technology." Therefore, because "[t]hese pleaded facts are facially implausible," "[d]ismissal with prejudice was appropriate." See Pet. App. 31a.

The Fifth Circuit had jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. The district court had jurisdiction to hear Plaintiff's claims arising out of deprivations of rights, negligence, intentional inflictions of emotional distress, invasions of privacy, forced involvement, thefts, appropriations, and conversions under 28 U.S.C. § 1331 (Federal question); 28 U.S.C. § 1332 (amount of controversy); 28 U.S.C. § 1338 (copyright); 28 U.S.C. § 1343(a); and 28 U.S.C. § 1361 (agency performance of duty). The district court had subject matter jurisdiction over negligence related claims and concerns under U.S.C. Title 18.[4] The district court had supplemental jurisdiction over Texas state law claims and concerns under 28 U.S.C. § 1367.

Petitioner in this Court, plaintiff-appellant William Henry Starrett, Jr., timely filed this petition for a writ of certiorari.

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[4] A total of seventy-three (73) claims were set forth in the civil action's Complaint and Claims 14 and 15, in particular among others, allege harm and deprivations of rights specifically related to violations of at least fifteen (15) Texas state and 124 federal statutes directed to crime as written. See paragraphs 423-432 and paragraphs 433-459 of the October 23, 2018 verified complaint.

REASONS FOR GRANTING THE WRIT

I. THE DECISION OF THE COURT OF APPEALS IN THIS CASE IS IN CONFLICT WITH ITS PRIOR DECISIONS, THE DECISIONS OF OTHER CIRCUITS, AND SUPREME COURT PRECEDENT AS TO THE REQUIREMENTS OF PLEADING.

A. The Opinion of the Fifth Circuit affirmed dismissal with an expression of disbelief based upon its unfamiliarity with complaint-described systems and their demonstrable combined capabilities also described within the complaint.

From effort as pleading and to also provide in record and report, Petitioner's Complaint successfully stated seventy-three (73) claims upon which relief can and should be granted — each conforming to FED. R. CIV. P. 8 and then with further detail sufficient to create reasonable expectation that discovery would surface additional evidence of wrongdoing — all abundantly supported by greater than two hundred (200) paragraphs of factual allegations apart from legal theory to satisfy against dismissal under FED. R. CIV. P. 12(b)(6).

With a declaration that complaint-described outcomes using such tracking, communication, surveillance, and weapons systems were "accomplished using nonexistent technology," the

Fifth Circuit panel indicated that these latest systems now currently being employed for testing, training, operations, research, and development by Respondents and their employees and agents were fully unknown to the Court not unlike Petitioner had initially feared.[5] See Pet. App. 31a.

Accordingly, Petitioner's factual allegations, without regard to the availability of evidence,[6] were

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[5] In addition to relief requested relative to the involvement of his person and property, Petitioner also brought forth "this action to protect the public from violations of rights and potentially systemic decline from policies, practices, and customs now eroding at liberty." See October 23, 2018 verified Complaint paragraphs four (4) and five (5).

[6] "On July 24, 2017, Plaintiff filed his first Emergency Motion for Temporary Restraining Order and Preliminary Injunction. Among updates to matters and other evidence, Plaintiff demonstrated that twice since August 2016, upon notification, Defendant U.S. Department of Defense's Office of the Inspector General: a) admitted having knowledge and awareness of its units' conduct involving Plaintiff and use of these systems; b) indicated confirmed acknowledgment of the past and ongoing conduct and use of these systems; and c) affirmed its breach of duty and its not exercising due care also by not investigating (if not also affirming their specific intent to materially contribute, facilitate, or directly infringe upon or deprive Plaintiff of his rights in their sponsoring, continuing, or allowing these communicated harms against Plaintiff) because it internally determined that the activities do not concern a violation of federal law or regulation within the Department of Defense's investigative purview." See Pet. Br. 9. *William Henry Starrett, Jr. v. Lockheed Martin Corp.*, et al., No. 18-627 (Nov. 6, 2018). "On February 6, 2018, in his second Motion for a Temporary Restraining Order and

characterized in the Fifth Circuit Opinion as "facially implausible" with descriptions including "fantastic" and "delusional" imputed to support the application of precedent initially allowing "the courts to dismiss an *in forma pauperis* complaint [under 28 U.S.C. § 1915] 'if satisfied that the action is frivolous or malicious'" See Pet. App. 31a; *Denton v. Hernandez*, 504 US 25, 31 (1992).

In contrast to Petitioner's action, for cases when a filing fee has not been paid by the Plaintiff, precedent has effectuated that the "*in forma pauperis* statute, unlike Rule 12(b)(6), 'accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the

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Preliminary Injunction, Plaintiff again supported how Defendant United States Department of Defense's Office of the Inspector General acknowledged past and ongoing conduct and affirmed its breach of duty upon two of the prior notifications provided to its office by Plaintiff." *Id.*, 14. "Plaintiff also included his police report that reviewed the disconcerting November 7, 2017 direct and proximate conduct demonstrated by a pair of individuals who identified themselves as members of [Respondent] U.S. Department of Justice investigative units in relation to their unscheduled visit to his home." "It was demanded by that day's visitors that Plaintiff agree to never again attempt contact with an individual, a police officer in a nearby community and a career Army Psychological Operations leader [under Respondent U.S. Department of Defense], who was named in court documents and is a potential witness to the still ongoing trainings, operations, research, and development requiring Plaintiff's involvement." *Id.*

complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless.'" *Denton,* at 32–33 (citing *Neitzke v. Williams,* 490 U.S. 319 (1989)).

B. Discretionary *sua sponte* dismissal pursuant to 28 U.S.C. § 1915 was unavailable to the district court and Fifth Circuit as the filing fee required to initiate this action had been paid in full upon presentment to the district court's clerk's office for being filed.

As this action's initial filing fee in the amount of four hundred (400) dollars had been paid in full to the clerk of the district court by Plaintiff and recorded[7] as such with no affidavit relating ability to pay, protocol and guidance relative to discretionary abridgment against filings authorized pursuant to 28 U.S.C. § 1915 were wholly inapplicable — Plaintiff's factual contentions having basis supported by years of mounting evidence makes such inapplicabilities even more so.

"What Rule 12(b)(6) does not countenance are dismissals based on a judge's disbelief of a complaint's factual allegations. District court judges looking to dismiss claims on such grounds must look elsewhere for legal support." *Neitzke,* at 327.

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[7] District Court docket entry three (3) — receipt number DS111646.

This Court's precedent prescribes that dismissal is inappropriate unless a complaint, construed with all well-pleaded facts accepted as true and viewed in the light most favorable to the plaintiff, fails "to state a claim to relief that is plausible on its face," See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); see, e.g., *Gonzalez v. Kay*, 577 F. 3d 600, 603 (5th Cir. 2009), *petition for cert. filed*, 78 U.S.L.W. 3295 (U.S. Oct. 9, 2009) (No. 09-542). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). "Asking for plausible grounds to infer ... does not impose a probability requirement at the pleading stage; it simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence" and "a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable and 'that a recovery is very remote and unlikely.'" See *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 1965-1966 (2007) (citing *Scheuer v. Rhodes*, 416 U.S. 232, 236, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974)).

Accordingly, the decision of the Fifth Circuit must be reviewed and overturned.

II. THE DECISION OF THE COURT OF APPEALS IN THIS CASE IS INCONSISTENT WITH THE UNITED STATES CONSTITUTION AND FEDERAL RULES OF CIVIL PROCEDURE.

A. The right to remedy for injury and the right to petition the government for a redress of grievances are constitutionally guaranteed.

"No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." See U.S. Constitution, Fifth Amendment.

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..." See U.S. Constitution, Seventh Amendment.

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." See U.S. Constitution, Fourteenth Amendment.

B. This decision of the Fifth Circuit affirms departure from the application of Federal Rules of Civil Procedure.

Federal Rules of Civil Procedure Rule 8 details the requirements for pleadings and claim(s) for relief, to be "construed so as to do justice," pursuant to the Constitution of the United States of America

and federal statute without clause pertaining to the Court's antecedent technological familiarity or any reinterpretations of allegations prior to discovery and the thorough examination of evidence. See FED. R. CIV. P. 8.

"The right of trial by jury as declared by the Seventh Amendment to the Constitution — or as provided by a federal statute — is preserved to the parties inviolate." See FED. R. CIV. P. 38(a).

"A judge may regulate practice in any manner consistent with federal law, rules adopted under 28 U.S.C. §§2072 and 2075, and the district's local rules. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement." See FED. R. CIV. P. 83(b).

III. CONFLICTS WITH THE DUTY OF FEDERAL RESPONDENTS AND THEIR AGENTS PERTAINING TO ITEMS (AND ANY DATA CONTAINED THEREIN) STILL REMAIN FROM THE DECISIONS IN THIS CASE. [8]

A. Federal Respondents and their agents have duty pertaining to items (and any

[8] Adapted from Petitioner's Br. 11-15, *William Henry Starrett, Jr. v. Lockheed Martin Corp., et al.*, No. 18-627 (Nov. 6, 2018).

data contained therein) having any association relative to Petitioner to be specified accordingly under Constitutional and statutory law.

In proceedings for Petitioner's initial civil action instituted on April 7, 2017, *Starrett v. Lockheed Martin Corp., et al.*, No. 3:17-cv-00988-D (N.D. Tex. 2018), the May 18, 2018 deadline for completing discovery was given by the district court on August 1, 2017 upon the issuance of that case's Scheduling Order prior to the eventual March 2018 dismissal.

On September 5, 2017, Plaintiff's First Combined Discovery was submitted to all Defendants that had appeared.

By November 1, 2017, through corresponding attorneys of record, all Defendants that had appeared had either not fully cooperated in discovery, had not responded, or had indicated their unwavering objection to each of Plaintiff's every discovery request.

Eventually, on November 3, 2017, Plaintiff filed his motion to compel discovery response from Defendants with argument relating, in part, how each of the foregoing then-named Respondents have duty pertaining to items (and any data contained therein) having any association relative to Petitioner to be specified accordingly under

constitutional[9] and statutory[10] law.

In Petitioner's November 3, 2017 Motion to Compel, Plaintiff maintained that, pursuant to FED. R. CIV. P. 26 and lawful governance, in regard to each of the one or more discoverable items (and any contents or data contained therein) being withheld from disclosure or production under claim of privilege or of being subject to protection, Respondents, under oath, must describe: a) the nature of; b) its origin; c) the history of custody; d) how custody was obtained; e) what statutes these one or more items (or any data contained therein) are allegedly protected by (where applicable); and f) how these one or more items (and any contents or data contained therein) were allegedly brought under such protection.

B. Recommended category designations for items and data related to or derived from the remote analysis of an individual's person or property.

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[9] Private property including but not limited to access and use of tangible and intangible product provided and services performed may not be taken for temporary or permanent public use without compensation. See U.S. Constitution, Amendments Three and Five.

[10] The Privacy Act of 1974, 5 U.S.C. § 552a, for example, requires that agencies grant the public with a means to review and correct their traditionally generalized personally identifiable information with limits as to the disclosure of such to any third party without one's consent.

Petitioner also offered that, in and with the foregoing descriptions of nature, origin, history, and custody as should be provided under oath pursuant to Federal Rules of Civil Procedure and lawful governance, the discoverable items for which protection is sought by Respondents (and any contents or data contained therein) where having any associations relative to Petitioner or his Claims (or most apparently including any associations relative to him, his person, his contribution, or his tangible or intangible property and any derivatives — all here as "Plaintiff"), may each be most properly designated under one or more of the following primary categories:

a) Origin of: Plaintiff being the direct or proximate origin of or Plaintiff having had influence upon item (or any contents or data contained therein) — from Respondents' allegedly lawful, unlawful, warranted, unwarranted, legal, illegal, authorized, or unauthorized access, use, consumptions, takings, appropriations, or other factors requiring Plaintiff's contribution (nonconsenting or otherwise);

b) Exposure to: Plaintiff having had direct or proximate exposure to — through Respondents' allegedly lawful, unlawful, warranted, unwarranted, legal, or illegal engagement, involvement, participation, or any factors requiring Plaintiff's contribution (nonconsenting or otherwise);

c) Depicted: Plaintiff being depicted — by representation, relationship, or through any

association of graphically, textually, numerically, symbolically, sequentially, or conceptually formatted data; and,

d) Referenced: Plaintiff being related to or with — by any reference with zero, one, or more other units or models similarly associated or otherwise depicted electronically, visually, graphically, programmatically, computationally, or as data.

Petitioner's foregoing November 3, 2017 motion to compel discovery response remained outstanding until its March 9, 2018 eventual denial, days short of that action's March 19, 2018 dismissal, with conduct and conditions as complained of still continuing.

Petitioner, now, over another year later, still endures the foregoing continued violent interruptions of the nonconsensually required involvement and the resulting harms from such each day.

IV. UNLAWFUL AND ILLEGAL CONDUCT AND CONDITIONS RESULTING IN THE CONTINUED INJURIES OUT FROM WHICH THIS CIVIL ACTION AROSE STILL PERSIST AFTER THE PRIOR DECISIONS FILED IN THIS CASE.

This civil action arose out of deprivations of rights, negligence, intentional inflictions of emotional distress, invasions of privacy, forced involvement, thefts, appropriations, and

conversions most apparently commencing on November 8, 2015, ongoing to varying extremes twenty-four hours per day, seven days per week, and continuing to date, in which individuals identifying themselves as United States Army Psychological Operations staff, in official capacity under Respondent United States Department of Defense, Respondent United States Special Operations Command, and employees of defense contractor Respondent Lockheed Martin, forcefully engage Plaintiff for tracking, communications, surveillance, and weapons systems training, research, and development toward benefit of commercial, military, agency, law enforcement, and intelligence community clients.[11]

This April 3, 2019 filing date of the Fifth Circuit decision marked 1243 consecutive days (since the November 8, 2015 most apparent commencement) of Petitioner's person and property being continually engaged by Respondents' systems and

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[11] Now with, and in addition and separate to administrative claims presented with notice, notice and separate invoices from Petitioner's consultancy to each of the foregoing executive department Respondents for the obtainment of Petitioner's services, access, and use of such, are also being issued by certified mail addressed to each governmental party's relevant general counsel or similar advisor prior to the commencement and conclusion of each billing period (additional terms apply). Although well notified, the nonconsensual engagement and involvement of Petitioner by Respondents and their employees and agents as complained of continues to date. Each command, agency, and organizations' expenses continue to accrue.

employees and agents in concert with other remaining Respondents and their systems and employees and agents against Petitioner's protests and denial of consent.

Ultimately, thus far, local Richardson, Texas police, the Dallas County District Attorney's office, and the Texas Attorney General's office have deferred the intervention upon these matters to units under Respondent United States Department of Justice ("USDOJ"), Respondent USDOJ has, through communications Petitioner has received by postal mail, now again deferred all matters to Respondent U.S. Department of Defense ("USDOD") and its units, and Respondent USDOD has deferred responsibility for ending these still-ongoing circumstances either to the court or back to Petitioner's local city government who preferred to instead have their insurance company defend them against Petitioner in civil litigation initiated[12] in the same district court that again took a similar position adverse to Petitioner and his unfortunately fully factual reports.

The Fifth Circuit, U.S. Court of Appeals should have reversed the district court's decision and remanded the case for further proceedings as to do justice. This Court should not allow such a troubling decision to stand unreviewed.

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[12] See *Starrett v. City of Richardson*, No. 3:18-CV-00191-L (N.D. Texas 2018); *Starrett v. City of Richardson, Texas.*, No. 18-11088 (5th Cir. 2019). As of the date of printing the petition herein, the filing of a petition for a writ of certiorari associated to said is also imminent under concurrent deadline.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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June 2019