

IN THE U.S. SUPREME COURT
RE ROBERT COTNER
PETITIONER MOTION-FOR
RULE 40 - VETERANS - ACTION

RULE 40(1). ALLOWS PETITIONER TO PROCEED WITHOUT
PREPAYMENT OF FILING FEE; (SEE PAUPERS - FORM).

AFFIDAVIT

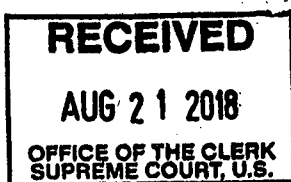
AS SHOWN BY VETERANS ADMINISTRATION REC CORDS FOR
BENEFITS, PETITIONER IS A VETERAN.
SEE ATTACHED.

THE STATE AND FEDERAL COURTS HAVE AGREED THAT
OKLAHOMA OWES PETITIONER \$100,000 FOR HIS
CLASS-ACTION TOBACCO SETTLEMENT CLAIM, BUT
WITHOUT AN ORDER FROM THIS COURT, REQUESTS
TO PAY HIM.

PETITIONER IS HANDICAPPED, DISABLED, AND
HAS ACCESS TO NO FUND TO PAY A FILING FEE.
STATE AND FEDERAL COURTS ADMIT PETITIONER
IS SERVING A DEATH SENTENCE FOR A CRIME HE WAS
NEVER ARRESTED FOR, TRIED ON, CONVICTED OF, OR ALLOWED
TO APPEAL, AS THE CHARGE WAS DISMISSED IN 1992,
AND ORDERS EXPUNGED IN 1994, BUT OKLA STARTED
HIM SERVING A SENTENCE OF DEATH ON IN 2014,
BECAUSE HE CAN NOT FIND AN ATTORNEY TO REPRESENT
HIM, AND WITHOUT DUE PROCESS OR AN ORDER CONTAINING
A FINDING OF FACT OR CONCLUSIONS OF LAW, "SANCTIONS"
WERE PLACED ON HIM BY THE 10TH CIR., THAT ARE OVERBOARD
IMPOSSIBLE TO MEET, AND NOT SUPPORTED BY THE RECORD,
OR ORDER, AND NO APPEAL WAS ALLOWED, NO HEARING WAS
HELD.

THIS CONSTITUTES AN UNAPPEALABLE DEATH-SENTENCE.
AS A VETERAN, UNDER RULE 40, THIS COURT SHOULD ALLOW
THIS CASE TO BE DECIDED WITHOUT PREPAYMENT OF THE
\$300 FEE.

DATE: 7/27/18



Respectfully,
Robt C
ROBERT COTNER, #93780
J.L.C.C. 1A-2-209
P.O. Box 548
LEXINGTON OKLA
73051

IN THE UNITED STATES SUPREME COURT

AFFIDAVIT

UNDER PENALTIES OF PERJURY, I VERIFY
THAT I AM A VIETNAM VETERAN, FORMER
MEMBER OF THE TULSA OKLA MOHAWK, DIVISION
OF THE AMERICANS ~~LEAGUE~~ LEAGION.

THE ATTACHED SUPPORTS MY VETERANS
STATUS.

I HAVE (3) HONORABLE DISCHARGES DD ~~214~~ 214
I HAVE CLAIMS FOR VETERANS BENEFIT PROGRAM
SOMEWHERE IN THE SYSTEM.

I CERTIFY A COPY OF THE "CORRECTED" PETITION
HAS BEEN SERVED ON OPPOSING COUNSEL THE U.S. ATT
GEN, OKLA ST ATT GEN, AND ALL INTERESTED PARTIES.

2573107
RA-257321-1963-1964

NB 2573107-1964-1968

~~441-441-44~~

441-441-44-1968-1972

DA 214's

U.S. MIL, SPECIAL OPS, CLASSIFIED
C.A. VIETNAM/U.S.

RA-2571405-?

25731405-?/?

CORRECT?

Ref

ROBERT COTNER, #93780

J.H.C.G. A-2-209

P.O. BOX 348

LEWISTON, OKLA.
73051

SIGNED AND SUBSCRIBED TO BEFORE ME THIS 24th
DAY OF August, 2018.

Donna Black
NOTARY

MY COMMISSION NUMBER
IS 12002230

MY COMMISSION EXPIRES 3-1-20



RECEIVED

SEP - 5 2018

OFFICE OF THE CLERK
SUPREME COURT U.S.

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 6, 2018

**Elisabeth A. Shumaker
Clerk of Court**

In re: ROBERT E. COTNER,

Movant.

No. 18-5071
(D.C. No. 4:11-MC-00019-GKF)
(N.D. Okla.)

ORDER

On July 13, 2018, the court issued an order to Appellant Robert Cotner to show cause why this matter should not be summarily dismissed for failure to comply with the filing restrictions set forth in *Cotner v. Boone*, No. 01-7096, 2002 WL 31045393 (10th Cir. 2002). The court warned Mr. Cotner that failure to fully comply with the requirements of *Cotner v. Boone* would result in the dismissal of this matter without further notice for failure to prosecute. 10th Cir. R. 42.1.

Although Mr. Cotner has submitted a two-page “Response to Show Cause” and a pleading entitled “Amicus Curia in Support of Exception or a Hearing,” he has not submitted the materials required by *Cotner v. Boone*, and the time to do so has expired. Accordingly, this matter is dismissed for failure to prosecute.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Jane K. Castro
Counsel to the Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**