

IN THE U.S. SUPREME COURT

RE ROBERT COTTER  
PETITIONER MOTION FOR  
RULE 40 - VETERANS - ACTION

RULE 40(i). Allows Petitioner to proceed without PREPAYMENT OR FILING FEE; (see paragraphs - FORM).

AFFIDAVIT

AS SHOWN BY VETERANS ADMINISTRATION RECORDES FOR BENEFITS, PETITIONER IS A VETERAN.

SEE ATTACHED.

the state and federal courts have it known that Oklahoma OWNS PETITIONER \$ 100,000 FOR HIS CLASS-ACTION TOBACCO SETTLEMENT CLAIM, BUT WITHOUT AN ORDER FROM THIS COURT, REFUSES TO PAY HIM.

PETITIONER IS HANDICAPPED, DISABLED, AND HAS ACCESS TO NO FUND TO PAY A FILING FEE.

STATE AND FEDERAL COURT ADMIT PETITIONER IS SERVING A DEATH SENTENCE FOR A CRIME HE WERE NEVER ARRESTED FOR, TRIED ON, CONVICTED OF, OR ALLOWED TO APPEAL AS THE CHARGE WERE DISMISSED IN 1992, AND ORDERED EXPENSES IN 1994. BUT OKLA STATE TOLD HIM SERVING A SENTENCE OF DEATH ON IN 2014,

BECUSE HE CAN NOT FIND AN ATTORNEY TO REPRESENT HIM, AND WITHOUT DUE PROCESS, ON AN ORDER CONTAINING A FINDINGS OF FACT OR CONCLUSIONS OF LAW, "SENTENCE" WERE PLACED ON HIM BY THE 10TH CIR., THAT THE OVERBROAD IMPOSSIBLE TO MEET, AND NOT SUPPORTED BY THE RECORDS OR ORDER, THE NO APPEAL WAS ALLOWED, NO HEARING WAS ALLOWED.

THIS CONSTITUTES AN UNAVOIDABLE DEATH-SENTENCE.  
AS A VETERAN, LEWIS RULE 40, THIS COURT SHOULD ALLOW THIS CASE TO BE DETERMINED WITHOUT PREPAYMENT OR THE

\$300 FEE.

DATE: 7/27/18

RESPECTFULLY

Robt C  
ROBERT COTTER, #93780  
J.H.C.C. #2-209  
P.O. BOX 548  
LOXHORN OKLA  
73051

RECEIVED

AUG 21 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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 ~~LEGION~~ LEGION.

the attached supports my veterans  
states.

I have (3) honorable discharges DO-~~2424~~ 2424  
I have claims for veterans benefits pending  
some where in the system.

I CERTIFY A COPY OF THIS "CORRECTED" PETITION  
WILL BE MAILED SOON TO THE U.S. ATT.  
GEN., OKLA ST ATT GEN., AND ALL INTERESTED PARTIES.

RA 2573107 - 1963-1964

W6 2573107 - 1964-1968  
~~444-444-44~~  
444-444-4447 - 1968-1972

441-406-0003 - 0908-1972

D.D. 2145  
U.S. MILITARY SPECIAL OPS CLASSIFIED  
C.I.A. VIETNAM / U.S.

PA-2571405 - 3

25731405 - ?  
Correct

SIGNED AND

SIGNED AND SUBSCRIBED  
DAY OF August 2018-

Ref B

ROBERT COTNER, #93780  
J.D.C.C. AR-2-209

J.D.G.C., AR 2-209

P. O. BOX 548

Laketon, Okla  
73051

SIGNED AND SUBSCRIBED to BEFORA me this 24th  
DAY OF August 2018.

Donna Black  
NOTARY

MY GUARANTEE NO  
IS 12002233



MY COMMISSION EXPIRES 3-1-22

RECEIVED.

SEP - 5 2018.

OFFICE OF THE CLERK  
SUPREME COURT U.S.

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.**