

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

James P. Arlotta \_\_\_\_\_ — PETITIONER  
(Your Name)

vs.

United States of America \_\_\_\_\_ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Federal Circuit  
\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James P. Arlotta \_\_\_\_\_  
(Your Name)

6248 Powers Rd. \_\_\_\_\_  
(Address)

Orchard Park, NY 14127 \_\_\_\_\_  
(City, State, Zip Code)

716-395-6103 \_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

Regarding S. Ct. Rule 10 (a), and ( c ) , along with the sanctioning such a departure by a lower court as to call for an exercise of this Court's supervisory powers.

How the alleged "behavioral problems" of this petitioner are of no comparison to those, (and the way the U.S. Navy handled the "situation(s)",) of U.S.C.A. for the 8th Cir. Docket No. 95-2158 Appellee Ronald Eugene Henry. Decided March 01, 1996. Regardless of the current "state of affairs" in this country or world.

Mr. Henry was afforded an opportunity for an *in persona* appearance before the Naval Discharge Review Board. As this petitioner's NOTIFICATION PROCEDURE LETTER AND ACKNOWLEDGEMENT and that this petitioner did not consult with counsel. As where the ELECT WAIVE part of the NPA are clearly evident in how this petitioner was not *entitled* to the following rights.

That the U.S. C.F.C., and the U.S.C.A. for the Fed. Cir. ignored the exhibits' regarding the medical consultations with psychologist Dr. Hazen, psychologist, and Dr. Golby, and LTC. Dr. James Oaks psychiatrist. How the accusations' against this petitioner medically, psychiatrically, and through the U.C.M.J., (that was not fully explained to this petitioner. As he was "escorted" out of the presentation about the U.C.M.J. while it was being explained to the recruits',) so this petitioner was not properly instructed in the UCMJ.

Why was this petitioner denied procedural and civil due process?

Why were all the inconsistencies and errors in the medical records for the petitioner ignored?

Why has the Board for Correction of Naval Records reviewed Ronald Henry's case in, "painstaking detail," did the BCNR conclude that the evidence this petitioner exhibited was..."insufficient to establish the existence of probable material error or injustice?"

Why does the disposition in U.S.C.A. for the Fed. Cir. show that the appeal was before three circuit judges; when it states right on the disposition *PER CURIAM*?

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI  
request's

Petitioner respectfully ~~prays~~ that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

**JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 11, 2019.

*Appendix A*

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 1491 (a), and how the U.S.C.A. for the Fed. Cir., and the C.F.C. keeps citing caselaw that properly explains how this statute is proper subject matter jurisdiction according the U.S. C.F.C. Rule 12(b)(1).

28 U.S.C. § 2501

31 U.S.C. § 1304 (a),(3),(d)

37 U.S.C. § 204 (a), (1),(2) (b)

10 U.S.C. § 2733

### STATEMENT OF THE CASE

Former Seaman Apprentice E-2 of the U.S. Navy was ***unlawfully separated and discharged*** on April 29, 1998. Without proper explanation(s) and coercion under duress. Due to the mistreatments' of Captain Brian de G Whitehead; through the improper administrating of "captain's mast," and his exercise of "non" judicial "punishments" without due process afforded to members' of the U.S. Armed Forces; through this former SA-SR not being properly informed of the UCMJ. Before being subjected to a ***unlawful confinement and unlawful inducement into the base psychiatric ward. According to the information included in the final motion in the U.S.C.F.C., and the subsequent appeal to the U.S.C.A. for the Fed. Cir.. This petitioner has clearly established how the previous cases' the government has cited, (after a close "fine tooth comb" reading of them. Actually contradict their arguments'.***



## REASONS FOR GRANTING THE PETITION

In the final motion in the U.S.C.F.C., and the subsequent appeal to the U.S.C.A. for the Fed. Cir.. This petitioner has clearly established how the previous cases' the government has cited, (after a close "fine tooth comb" reading of them. Actually contradict their arguments'.

If it pleases this court, this petitioner is adamant that it read Henry v. U.S. Department of Navy U.S.C.A. for the 8th Cir. No. 95-2158 before rendering any decisions'.

Mr. Henry's behaviors compared to the "allegations" that have no proof or substantiation, (let alone the way -s and manners' that politicians speak to and about each other. Along with their supporters' behaviors',) is only more proof that "talk is cheap."

Mr. Henry was also given quite a few "chances" before he was even considered for mandatory psychiatric evaluation.

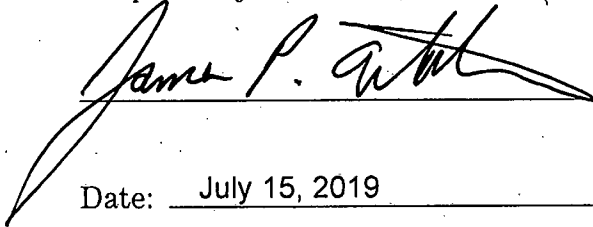
This petitioner never went AWOL or had any UA's, or hit a corporal in the head with a bike chain, or in "1969, he went on two more unauthorized absences. Upon his return, he was referred for psychiatric examination, and his evaluator concluded that he was accountable for his actions and that a psychiatric discharge was not warranted. The next day he hit a corporal in the face with a rifle butt and broke his nose. A special court martial was convened to consider assault charges against Mr. Henry and two attorneys were appointed to defend him."

Allegedly not showering, "peering at his shipmates after taps, (as this petitioner witnessed his fellow sailors' in the middle of fellatio,) along with him having to urinate after taps. Passing by the sentry on guard, and "a CHIEF COMPLAINT: "MY SHIPMATES ARE FEARFUL OF ME." That statement being contradicted numerous times as the exhibited evidence clearly indicates. Just like the Hospital Course states, "At the time of discharge he was not suicidal, homicidal, or grossly disorganized, was judged able to met his daily needs, and competent to make medical decisions and able to ask for help if needed." Then why would a psychiatrist write..."He was therefore **discharged in mildly psychotic condition...DISPOSTION: Discharged in stable condition.**"

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: July 15, 2019