

No. Pending

**In The
Supreme Court of the United States**

In re Stewart, Carl E "Chief Judge" in his Official Capacity as Chief Judge of the 5th Court
of Appeals, named Defendant in this Federal Action

**EMERGENCY APPLICATION FOR STAY OF LOWER COURT PROCEEDINGS PENDING
RESOLUTION OF WRIT OF MANDAMUS PENDING BEFORE THE US SUPREME COURT**

**Bruce Becker Petitioner and Pro Se
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APPLICANT**

Case before the 5th Court of Appeals 19-50351

PARTIES TO THE PROCEEDING

Bruce Becker, both Plaintiff and Appellant in the Appellate Court action below, Plaintiff before the District Court (Party Bringing Argument and Constitutional Challenges to Veteran Affairs Benefits reduction, delay in adjudication of benefits, SSA Benefits Termination Practices, and purposeful Barriers created within the Judicial Process, and (Civil Rights Violations “Federal Action”). Stewart, Carl E “Chief Judge” in his Official Capacity as Chief Judge of the 5th Court of Appeals, named Defendant in this Federal Action, as that Party oversees all activities which are having an impact upon the Appellant.

ARGUMENT

An applicant for a stay of the mandate pending the filing of a petition for a writ of certiorari “must show that the [certiorari] petition would present a substantial question and that there is good cause for a stay.” Fed. R. App. P. 41(d) (1). The inquiry must focus on whether the applicant has “a reasonable probability of succeeding on the merits and whether the applicant will suffer irreparable injury.” See *Williams v. Chrans*, 50 F.3d 1358, 1360 (7th Cir. 1995) (per curiam).

Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Applicant and Petitioner, on behalf of US Military Disabled Veterans respectfully applies for a stay of proceedings and “Sufficient Brief” deadlines set forth by the 5th Court of Appeals pending disposition of his Application and Petition for Emergency Writ of Mandamus filed before the US Supreme Court on or about 30 September 2019. Petitioner also requests an administrative stay pending the Court’s consideration of this stay application,

specifically to stay any action by the Appellate Court until the US Supreme Court has sufficient time to process and issue Judgment upon the Federal Action in question.

The instant suit brings Constitutional Challenges to practices within the Department of Veterans Affairs which has and continues to cause the Petitioner Injury. As clearly illustrated in his Mandamus Filing, Petitioner has exercised Due Diligence in reaching resolution regarding barriers placed upon him, and similarly situated Parties when considering practices and procedures controlling both Sufficient Briefs and unnecessary deadlines placed upon heavily disabled Parties bringing Petitions and Motions before the lower court.

Most recently, the Appellate Court has denied Petitioner's Motion to Stay without reason and after conference with a Court Clerk, no reason is necessary when the Court Clerk issues order Denying a Motion to Stay Proceedings. The Motion to Stay simply requested a stay of proceedings until the Supreme Court is able to entertain the Mandamus Filing.

BACKGROUND

The instant suit was filed more than two years ago and no resolution has been provided by the Agencies in question regardless of Petitioner's Civil Suits filings. However, the Veteran's Court did in fact most recently rule "Unconstitutional" with a Due Process violation to those Veterans entrapped within the Veterans Affairs Appeals system for years time . The Petitioner's instant suit was filed close to two years prior to the Veteran's Court Ruling in a different setting and the Agency in questions concurrently assessed Debt's upon him and his family regardless of his heavy Participation in the US Presidential Campaign and subsequently terminated his Disability Pension thru the Social Security

Administration after filing the instant suit. Therefore, the honorable Justices should see Merit in accepting the Petitioner's Petition for a Motion to Stay and similarly entertaining his Mandamus filing already before the Court.

Early in the Judiciary process, the District Court disposed of his every legal cause of action after close to 3 years of delays, despite the Veteran's Court later ruling that the wait times experienced by Military Disabled Veteran's Unconstitutional. Despite, the extreme time utilized in prolonging the suit by the District Court, the Appellate Court has found it necessary to create new barriers within the Judicial process which are in clear violation of the ADA.

PENDING DEADLINES

Appellant has been ordered to submit a Sufficient Brief with new series of changes requested **by 4 October 2019** and sufficient details regarding the Petitioner's suit are already before the Court. Therefore, the Motion to Stay may be considered an Emergency given the close deadlines to submit yet an additional sufficient brief with more changes as outlined in the Mandamus filing. The Appellant-Petitioner would clearly suffer irreparable harm unless his Motion to Stay proceedings is granted in turn allowing the highest court in America the opportunity to entertain his Federal Action - Mandamus filing. As demonstrate within a Mandamus, a stay is warranted because this case presents a substantial question and because Disabled Court Litigants may suffer irreparable harm absent a stay. See Fed. R. App. P. 41(d)

RELIEF REQUESTED

Absent relief from this Court, the Petitioner will be forced to submit yet

another amended brief with no guiding principles, regulations, or authorities to support such requirements. All further implications placed upon him have been outlined with supportive evidence within the Mandamus Filing. In light of the listed impeding harms, and in the name of Justice, the Granting of the instant Motion would run in Tradition with the US Supreme Court's support of the US Military Disabled Population citing each Henderson, 131 S.Ct. at 1200, If the veteran is awarded the benefit sought, the process ends. But the process can continue to another administrative level in certain cases because, as the Supreme Court has recently recognized, —[t]he VA has a two-step process for the adjudication of . . . claims [for service- connected benefits] Henderson v. Shinseki, 131 S.Ct. 1197, 1204 (2011), The Importance of Preserving the Pro- Claimant Policy Underlying the Veterans' Benefits Scheme: A Comparative Analysis of the Administrative Structure of the Department of Veterans Affairs Disability Benefits System, 2 VETERANS L. REV. 77, 83–92 (2010) [hereinafter Riley, Pro-Claimant] (cataloguing non-adversarial, pro-claimant features of the veterans' benefits system). and Walters v. Nat'l Ass'n of Radiation Survivors, 473 U.S. 305, 309 (1985). recognizing that Congress —place[d] a thumb on the scale on the side of veterans.

CONCLUSION

After review of the above facts, procedures, and circumstances impacting that Petitioners Civil Suits, it should be clear that even basic Constitutional principles and practices were not applied in any portion of his Judicial proceedings. That the extreme delays in adjudicating his civil suits has caused him concrete injuries. That the relief sought is basic in nature and would not burden the Government or Appellees in any manner. That any costs associated with GRANTING his Motion to Stay proceedings are minimal in nature and by the

GRANTING of such, no party would be prejudiced. Petitioner has acted with due diligence to resolve the ongoing conflicts seen within the Clerk's Orders and he is unable to proceed forward in the Judicial process given the persistent barriers placed upon him by the Court Systems and Clerk's Orders.

PRAYER

Petitioner prays for all relief located herein. He prays that the Justices before the US Supreme Court recognize the constraints placed upon the Petitioner by the lower courts and that any portion of the US Constitution runs in conflict with those implications. He further prays that the Court GRANT his Petitions for Motion to Stay and for Writ of Mandamus as he is unable to seek relief by any other court or avenue.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before the 2nd day of October 2019, the foregoing materials will be filed with the Court and or sent by Electronic, and or USPS mail with Certification to the ATTORNEY on record for the following defendants

DEFENDANTS:

ROBERT WILKIE, et. al.

ATTORNEY FOR DEFENDANTS:

Liane Noble

Assistant United States Attorney

United States Attorney's Office Western District of Texas

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Austin Texas 78701
Tel: 512-370-1252
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State of Texas

County of Victoria

Before me, (Pete S. Munoz), on this day personally appeared
Bruce L Becker, known to me (or proved to me on the oath of
_____ or through (Tx DL #1478175) to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that he executed
the same for the purposes and consideration therein expressed.

Declaration

I declare, under penalty of perjury under the laws of the United States of
America, that the foregoing is true and correct.

September 30 2019

Executed on this 30 day of September 2019



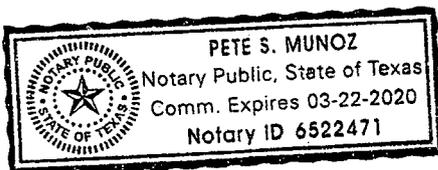
Plaintiff-Appellant signature

RESPECTFULLY SUBMITTED,

BRUCE BECKER

Plaintiff-APPELLANT and A PRO SE Litigant

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A handwritten signature in black ink, consisting of several overlapping, slanted strokes that are difficult to decipher.