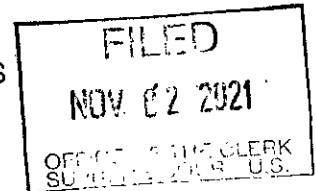


No. \_\_\_\_\_

**21-6388**

IN THE

SUPREME COURT OF THE UNITED STATES



Calvin Roach Pro se — PETITIONER  
(Your Name)

**ORIGINAL**

vs.

Donald Winstanley et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

6<sup>th</sup> CIRCUIT COURT OF APPEALS  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Calvin Roach  
(Your Name)

1527 Devonhurst Dr  
(Address)

Columbus, OH 43232  
(City, State, Zip Code)

520 678 1725  
(Phone Number)

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes   ☐ No   If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?   ☐ Yes   ☐ No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

4/17/2013 1:13 PM

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes   ☐ No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Signature)

### **Question(s) Presented**

- I. Whether military retirees are bound by their Oath to protect the United States Constitution against foreign and domestic enemies
- II. Whether military retirees are considered ordinary citizens
- III. When Federal Court decisions conflict with Federal Legislative law that prevent individuals from performing their legal duties, does that violate the 14<sup>th</sup> Amendment,

### **LIST OF PARTIES**

#### **Calvin Roach Petitioner - Appellant**

Honorable Donald Washington, US Marshals Service Director, Honorable Paul Irving, US House of Representative, HONORABLE Michael Stenger, Sergeant of the Arms US Senate, HONORABLE Christopher Wray, Director of the Federal Bureau of Investigation

#### **Defendants(s) - Appellees**

### **RELATED CASES**

- I. USA v. Steven M. Larrabee, Retired Marine, US Navy-Marine Court case number – 201700075
- II. Parker v. Levy, 417, US 773 (1974), Pages 417 U. S. 743-745

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## **TABLE OF AUTHORITY CITED**

### **CASES**

**USA v. Steven M. Larrabee, Retired Marines**

**US NANY – 201700075 (Denied)**

**Parker V. Levy, 417, US 773 (1974)**

**Page 743-744**

### **STATUTES and RULES**

**5 U.S.C 7311**

**10 U.S.C 802 Art. 2a (4)**

**18 U.S.C. 1918**

**28 U.S.C. 1361**

### **OTHER**

**US Constitution:**

**Article 1 Section 8**

**Article III Section 2**

**Article VI**

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

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   A   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   B   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 August 10, 2021.

☒ 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**

### **US CONSTITUTION**

Article 1 Section 8

Article III Section 2

Article VI

### **STATUTORY PROVISIONS**

5 USC 7311

10 USC 802 ART 2a(4)

18 USC 1918

28 US 1331

28 USC 1361



## Statement of the Case

September 18, 2000, I, Calvin P. Roach, Military Retiree and Veteran of the United States Army, filed a lawsuit against the defendants for failing to abide by their obligations and oaths of office to protect the citizens of the United States. The suit was for performance, violations of the United States Constitution, and federal questions of law, **28 U.S.C. §1331**, receive expenses for the case, **42 U.S.C. § 1983**, if allowed by law which was stated in the complaint. I added that statement, **if allowed by law**, because I was not sure if it was allowed but wanted to let the courts know that the case is not based on **42 U.S.C. § 1983**.

The district court and court of appeals dismissed the case for lack of subject-matter jurisdiction under **42 U.S.C §1983** and failure to state a claim which relief can be granted. The Courts have subject-matter jurisdiction under the United States Constitution and violations of Federal laws. **Article III, Section 2**, *"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States,..."*

I stated a claim in the original complaint for the Courts to arrest the perpetrators that violated the United States Constitution that are willfully spreading the virus. The claim to arrest the perpetrators is a Writ of Mandamus for the federal officers to abide by their Oath. Federal Statutes **5 U.S.C. § 7311** and **18 U.S.C. § 1918** makes it a federal crime for government employees that violate their oath of office. Defending the constitution is not discretionary. The lower court has jurisdiction to issue this writ or any other order to compel the defendants to abide by their oaths. The district court also has authority to compel officers of the United States to perform their duty under **28 U.S.C. §1361**. Article VI of the United States Constitution Senate

and Representatives, and members of the several States Legislatures, and all executives and judicial officers, of both of the United States and several States, shall be bound by their oath or affirmation to support this Constitution.

Ordinary civilians are not obligated to protect the United States Constitution. As a military retiree, I have taken an oath to protect and defend the United States Constitution. I am under obligation to protect the United States Constitution as well as other conduct of standards and if I do not, I am subjected to punishment under the Uniform Code of Military Justice, Article 92, As a military retiree, I am subjected to punishment under the UCMJ (Court-Martial), **USA v. Steven M. Larrabee, Retired Marine, US Navy-Marine Court case number - 201700075**. The United States Supreme Court denied hearing this case making this case that military retirees can be court martialed. This ruling validates that Military retiree are required to abide to the standards of the UCMJ and that standard includes required by law to defend the United States Constitution against all enemies foreign and domestic. Federal law also requires military retirees to abide by their oath to the US Constitution. **5 U.S.C. § 1331**. This case is about a military retiree obliging his duties and responsibilities. Military Retirees are subject to many of the same rules of conduct as active-duty members, **10 USC 802, Art. 2, Persons subject to this chapter, (4) Retired members of a regular component of the armed forces who are entitled to pay**. In the case **USA v. Steven M. Larrabee, Retired Marine, US Navy-Marine Court case number – 201700075** and **Parker v. Levy, 417, US 773 (1974)**, the US Supreme Court recognized that military members and retirees are not ordinary civilians. **Parker v. Levy, 417, US 773 (1974), Pages 417 U. S. 743-745** “this court has long recognized that the military is a specialized society separate from civilian society. We have also recognized that the military has again by necessity, developed laws and traditions during its long history. The difference

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**between military and civilian communities result from the fact that its primary business of armies o fight wars..."** The United States Supreme Court recognize that military retirees are not ordinary civilians and ordinary civilians must request permission to defend the US Constitution and the United States. **Article I, Section 8**, of the Constitution grants Congress the power to make rules for the government and regulation of the land and naval forces. Congress made laws for military retirees the same privileges of active-duty personnel to protect and defend the United States Constitution. Irreparable harm is preventing those who have an obligation to protect the US Constitution as well as harm to the US Constitution. In my pleading I met all of the requirements for standing. The defendants in this case should be held to protect the US Constitution. For the reasons above this case should have proceeded.

### **REASONS FOR GRANTING THE PETITION**

- I. This ruling violates Federal laws 5 U.S.C. §7311, 5 U.S.C §1331, and 18 U.S.C §1918
- II. This ruling violates various sections of the United States Constitution, Article I, Section 8, and Article III, Section 2

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cal + 1

Date: 2 Nov 2021