

21-6596  
NO.

ORIGINAL

Supreme Court, U.S.

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**SUPREME COURT OF THE UNITED STATES**

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Washington, D.C. 20543-0001

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Jimmy D. Woods, et al – pro se

U. S. Department of Veterans Affairs

U. S. Department of Labor, (FECA)

VS.

State of Arizona; Mark Brnovich, et.al.

(On Petition for Writ of Certiorari to the United States Court of Appeals  
For the Ninth Circuit).

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## QUESTION(S) PRESENTED

1. Whether Superior Court State of Arizona, Maricopa County, without authority, lacked jurisdiction of subject matter, and personal jurisdiction to hear an alleged case of fraud, theft, of Title 38 U.S.C.A. 5104, U.S.C.A. 5103(a) Veterans Disability, and Title 20—Employees Benefits, 5 U.S.C. 8101 et seq. Federal Employees Compensation Act.
2. Whether the State officers violated rights, and powers delegated to the United States by the U.S. Constitution under the Tenth Amend. (Federalism).
3. Whether the State of Arizona, Attorney General Officers acting under the color of state law, preempting Federal laws. (Supremacy Clause).
4. Whether the State Court judgment denied the petitioner federal protected right of Procedural Due Process of Law, and Equal Protections of the Laws, 14<sup>th</sup> Amendment U. S. Constitution. (Title 38 C.F.R. 3.103).
5. Whether District Court refusal to accept the plaintiffs' independent claim which raises denying his constitutional rights, stating it is barred by Rooker-Feldman Doctrine.
6. Whether the State laws in this case at bar are consider unconstitutional.
7. Whether a court can confer jurisdiction where none existed from the beginning and make a void court judgment valid. (Rule 60 (b)(4)).
8. Whether the state court judge had not performed his judicial duties, was there a lack of authority or did state officers influenced decision in the case, and whether the state court impartial functions was directly corrupted,

## 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:

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#### IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION 1

1 CA-CR 06-0840 JULY 29, 2008

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

CR2004-020922-001 DT 09/22/2006

### APPENDIX B

#### UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 21-15032 D.C. No. 2:20-cv-02375-DLR-MHB AUG. 20, 2021

UNITED STATES DISTRICT COURT FOR DISTRICT OF ARIZONA.

01/08/21.

BOARD OF VETERANS APPEALS – DEPT. OF VETERANS AFFAIRS'

NO. 08-30 070A – 16 JULY, 2010

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 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 20 Aug. 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).

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## STATEMENT OF THE CASE

Now comes the plaintiff, jimmy woods, a veteran, federal employee, is petitioning this honorable Court for a Writ of Certiorari, asking the Court to vacate the void state court judgment issued against him that lack jurisdiction of subject-matter, personal jurisdiction, or authority under the Law. This case involves the Arizona State Attorney General alleging that a disabled veteran was committing fraud, theft, of Title 38 U.S.C., VA disability benefits, Title 20 C.F.R., federal employees' compensation act (FECA), and convicted in Superior Court of Arizona, Maricopa County.(CR2004-020922-001 DT). The petitioner states no alleged acts of making any false statement, misrepresentation, concealment of the fact, any act of fraud or theft, or who knowingly accepts compensation to which they are not entitled, is subject to criminal prosecution by regional U.S. Attorney which has jurisdiction under U. S. Criminal Code provisions (e.g., 18 U.S.C. Sections 287, and 1001). See Ableman v. Booth, 62 U.S. 506 (1859). Under Federal law, which is applicable to all states, U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities, grounds no rights, forms no defense to actions taken thereunder, and is vulnerable to any manner of collateral attack. No statute of limitations for a void court judgment, and any disgruntled litigant may reopen their case and once again probe its depths. Fitts v. Krugh, Supreme Court of Michigan, 92 N.W.2d 604, (10/13/58). It is clear and well established, law that a void order can be challenged in any court for lacked jurisdiction of subject-matter, or of the parties, denied due process. Scheuer v. Rhodes, 416 U.S. 232, 243, 94 S.Ct. 1683 (1974). Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const.

## REASONS FOR GRANTING THE WRIT OF CERTIORARI

### INTRODUCTION OF STATEMENTS RELEVANCE

The district court decision conflicts with decisions issued by the Supreme Court, United States Court of Appeals, Ninth Cir., U.S. V. Peters, 9 U.S. 115, 136 (9<sup>th</sup> Cir. (1809).

Also see Lopez v. Smith, 203 F3d 112 (9<sup>th</sup>.Cir.) Relief under 60 (b)(4). The plaintiff asserts the proceeding present exceptional importance of Federalism, Supremacy Clause, Federal Protected Property-belonging to U.S., (Cooper v. Ramos 9<sup>th</sup>.Cir. 2012)., Due Process, equal protections, Pennoyer v. Neff, (1878).

And overlooking the void judgment of Superior Court, lacking jurisdiction, also lack authority to sit and hear a case assigned to a higher Division under 18 U.S.C. 3231.

### The appellant Petition the Court for a Writ of Certiorari

The case involves a question of exceptional importance because it conflicts with opinions of another federal circuits, supreme court and substantially affects a rule of National Application in which there is an overriding need for national uniformity. (Fed. R. App. P 35 (b)(9<sup>th</sup>.Cir. Rule 35-1). The Federal courts in the case overlook material points of federal constitutional law and does not address any issue in this case of relief under [Rule 60 (b) (4)] void of State court judgment, and overlooks rights under the following: [FEDERALISM] [PREEMPTION] [PROCEDUAL DUE PROCESS] [EQUAL PROTECTION] [CRIMINAL PROCEDURE, 18 U.S. CODE CHAPTER 211- JURISDICTION, VENUE, (18 U.S.C. 3231) DISTRICT COURT]

.A Party Affected by VOID Judicial Action Need Not Appeal. State ex rel. Latty, 907 S.W. at 486. It is entitled to no respect whatsoever because it does not effect, impair, create legal rights. Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J; concurring).

The district court failure to address a Rule 60 (b) (4) void judgment, where a judgment issue by a court lacking authority to presides over a criminal case of fraud, and property

belonging to United States. (ART.4 Sect.3, Clause 3). In re Judicial activism, holding that the court can and should go beyond the applicable law to consider broader societal implications of its decisions closely related to judicial interpretation, statutory interpretation, separation of powers.

For reasons stated above and other's consideration this Court decision is necessary to secure and maintain uniformity of other court decisions under Void judgments. The plaintiff claim has both some substantive legal theory and information about the facts going beyond pure conjecture. However pro se complaint's do not have to plead with clarity and detail, so long as they pose valid legal question, or rights which would entitle plaintiff the relief sought. Conley v. Gibson 355 U.S. 41,45,46,78 S.Ct.99,102,2d.80. This case in which is of National importance to both federal and state governments on sovereign rights, rights in which governments are depended on respecting each other's territory. States courts generally accept the rule that they must give full faith and credit to the proceeding of federal courts, Supreme court held that state courts are destitute of all power to interfere with the decision of federal courts.

**ARGUMENT:** The Petition is necessary to resolve the violations of federal rights, whether federal law supersedes state law, whether constitutional rights supersede state laws, and these violations constitute no justification, all person concerned in executing such judgments or decision are considered trespassers. See Elliot vs Piersol, 1 Pet. 26 U.S. 328, 340 (1828).

**ARGUMENT:** The Petition is necessary because non- opinions overlook by the district court directly conflicts with decisions of United States Supreme Court, and other federal Circuits, on Law of Void judgments issue by a court lacking jurisdiction of the subject-

matter, personal jurisdiction, denying procedural due process of law, equal protections of the laws. (U.S. vs. Holtzman 762 F.2d, 720 (9<sup>th</sup>.Cir. 1995).

#### Foundations of Law Federalism:

The interaction between federal and state governments, are therefore defined by the concept of federalism and the specifically and implicitly powers granted to U.S. Congress (enumerated) or (expressed) are granted by (Article I Section 8, Clause 18). The framers of the Constitution granted a few expressed powers to the national government, reserving the remainder of powers to the states, the Tenth Amend. states Powers not delegated to United States, nor prohibited to the states, are reserved to the States and to the people. (U.S. Constitution 10<sup>th</sup> Amendment). Hammer v. Dagenhart, 247 U.S. 251 (1917).

The law is well-settled that a void order or judgment is void even before reversal", Valley v. Northern Fire & Marine INS. CO., 254 U.S. 348, 41 S. Ct. 116 (1920). The Supreme Court emphasis on the indispensability of the federal judicial power to maintain National Supremacy, to protect the states from National encroachment, to make the Constitution, and laws of the United States uniform to all combine to enhance the Federal Judicial powers.

In Chief Justice John Marshall's opinion in McCulloch v. Maryland, Gibbons v. Ogdon That if a law passed by a state, in the exercise of it acknowledge sovereignty, comes Into conflict with a law passed by Congress in pursuance of the constitution, they affect the subject, and each other, like opposing powers. The principle of federal supremacy meant the Court would more often rule in favor of federal powers over those of states.

**The Court Has a Responsibility to Correct a Void Judgment:** The statute of limitations does not apply to a suit in equity to vacate a void judgment. (Cadenasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368, 374). [181P.684].

The General Counsel under 38 C.F.R. 14.500, has responsibility for litigation arising in or out of activities of the VA, to include fraud, theft, of veteran disability benefits. The Regional Counsel and designated staff attorneys are authorized to conduct investigations of alleged criminal violations under Title 38 C.F.R. 14.501. see: Title 38 U.S.C. 5301 (a)(1) codifies the essence of the statute demonstrating non assignability and exempt status of the veteran disability benefits, the federal scheme of regulation is so pervasive as to infer that Congress left no room for state law or regulation. *Marbury v. Madison*, 5 U.S. 137, (1803). *McCullough v. Maryland*, 17 U.S. 316 (1819). Also see: *Baker v. Carr* 369 U.S. 186 (1962). See: *Federalist Papers* No 81., also *Wright & Miller*, *supra* (that there is no time passed on a Rule 60 (b) motion under clause (4)., James Wm. Moore et al, *Moore's federal practice* & 60.44(5)(c)(3d.ed 1999). 47 AM. JUR.Judgments & 653 49 C.J.S. Judgments. (*Jackson v. FIE Corp*, 302 F.3d 515,522 (5<sup>th</sup>. Cir. 2002). Fifth Cir. reviews Rule 60 (b)(4) de novo because it is a *per se* abuse of discretion for the district court to deny a motion to vacate the Void state court judgment.

#### FEDERAL COURTS SUBJECT-MATTER JURISDICTION

Article III Section II, of the United States Constitution lays out the General Authority of the Federal Court system and federal laws, U.S. Code set out the boundaries of that authority. The doctrine of the Supremacy of Federal law contained in Article 6<sup>th</sup>. U.S. Constitution and the jurisdiction of a court should be based on what law governs the controversy. This doctrine states that any federal law supersedes state law, even if it is from a federal agency, constitution supersedes any conflicting state law, even in the state's constitution. (Supremacy Clause Article VI, Clause). In *Missouri v. Holland*, the Supreme Court applied the Supremacy Clause in that case, holding that the Federal Govt

ability to make treaties is supreme over any state concerns that might abrogate states rights arising under the Tenth Amendment. (252 U.S. 416, 1920). In *Marbury v. Madison*, (1803) this decision gave the Court the ability to strike down state law on grounds that they are unconstitutional (a power called judicial review). Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is Without Authority its judgments and orders are regarded as nullities. They are not voidable, but simply void and form no bar to a recovery sought, even prior to reversal in opposition to them.

*Bulloch v. United States*, 763 F.2d 1115, 1121, (10 Cir. 1985). The state courts generally accept the rule that they must give full faith and credit to the proceeding of federal courts and the Court held that state courts are destitute of all power to interfere with the decision of the federal courts. Under 18 U.S.Code, it outlines all federal crimes and deals with the activities that extend beyond state boundaries, as such the case at bar, and directly impacts federal interest, federal prosecution, follows Fed. R. Crim. Proc. and the U. S.

Supreme Court promulgated, and United States Congress passed federal rules incorporate and expound upon all guarantees to Due Process, Equal Protections. Most federal [18 U.S.C. crimes] offense against the laws of the U.S, the District Court have subject-matter jurisdiction that is granted under [18 U.S.C. Sect. 3231], and federal jurisdiction will come into play when criminal acts is committed under federal law, created by U.S. Congress. (Federal Question). Title 38 U.S.C. (disability comp).

The Court of Appeals for Veterans Claims found in *Roberts v. Shinseki* that the Due Process procedures applicable in cases of fraud under Title 38 U.S.C disability benefits are set forth in 38 C.F.R. 3.103. see Title 38 U.S.C.A. 5104 (West), Roberts, 23 Vet. App. 416 (2010). 38 U.S.C.A. 5103(A), 38 C.F.R. 3.159, also *Quartuccio v. Principi*, 16 Vet. App. 183, 187 (2002).

Federal Circuit concluded that entitlement for VA disabilities under Title 38 U.S.C. are property interest protected by procedural due process, and equal protection of the laws, are nondiscretionary, statutorily mandated. see Cushman v. Shinseki, 576 F.3d 1290 (Fed.Cir.2009). Under Title 38 U.S.C., [disability benefit] are a matter of statutory entitlement, creates a right to governmental benefits. Thus, the termination of plaintiff benefits without a hearing deprived the veteran of Procedural Due Process of Law, Equal Protection of the Laws under the 14<sup>th</sup> Amend.

Pursuant to 38 U.S.C. 6103, which reads that any person who fraudulently accepts payments of V.A. benefits are subject to a fine or imprisonment punishable under 18 U.S.C. See: Fraud 38 C.F.R 3.901.

Black's Law Dictionary, Sixth Edition, p.1574: Void Judgment.

Is one which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex, Civ. App., 80 S.W.2d 1087. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree.

#### GUARANTEED RIGHTS FOURTEENTH AMENDMENT U.S. CONSTITUTION

The action inhibited by the first section of the 14<sup>th</sup>.Amendment is only such action as may fairly said to be that of the state and requires that all citizens be granted equal protections of the laws. Under that provision, neither the state government nor federal government may deprive an individual or class of people the rights enjoyed by other persons who are similarly situated, no other Veteran cited in a Court of any State in the United States has been charge

of criminal offences of (theft and fraud of Title 38 U.S.C. VA disability benefits) and has been convicted in State court. (Fed. Cir. R. Rule 47.5, 28 U.S.C.A.). The 14<sup>th</sup> amendment nullifies and make Void all state legislation and state actions of every kind, when property is taken without Due Process of Law, which denies the plaintiff Equal Protection of the Laws. *Pence v. U.S.* 316 U.S. 332, 62 Ct. 1080, 85 Led. (1942). When rule providing for relief from void judgment is applicable, relief is not discretionary matter but is mandatory. *Orner v. Shalala*, 30 F.3d 1307 (Colo. 1994). Judgment is a void if the court that rendered judgment lacked jurisdiction of the subject-matter, of the party, or Acted in a manner inconsistent with Procedural Due Process.

Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5&14<sup>th</sup>.  
(*Klugh v.U.S.*, 620 F.Supp.892 (D.S.C. 1985). see *Mitchum v. Foster* (1972).

The Supreme Court stated that the extent to which procedural due process must be afforded requires (1) the private interest that will affected by the official actions taken by state officers acting under color of state law. (2) the risk of erroneous deprivation of such interest through the procedures used. (3) the probable value, if any additional or substitute procedural safeguards. (4) the Governments' interest including the function involved and fiscal and administrative burdens that the additional procedures would entail. *United States v. Lopez-Flores*, 63 F.3d 1468, 1472 (9<sup>th</sup>. Cir. 2004). In *Ellis v. U.S.*,365 U.S. 674,75., Supreme Court has stated that when a Court of Appeals chooses to utilize the preliminary screening device permitted by 1915, difficulties of the kind frequently arise in a case before the court. The bare application for leave to appeal in forma pauperis seldom furnishes sufficient material for evaluating the weight of the issues involved. For

this reason, we have held that in such cases a Court of Appeals must provide the applicant with the assistance of counsel with a record of sufficient completeness. Federal Courts may protect their judgments from state interference by enjoining state suit under relitigating exception to the Anti-Injunction Act. 28 U.S.C. 2283. The state courts have no analogous power to protect themselves from federal court interference. *Tinkham v. Jenny Craig*. 699 N.E.2d 1255, 1258 Mass. App. Ct. 1998. In *Hale v. Henkel*, 201 U.S. 43 at 89 (1906), Supreme Court's Opinion: A individual may stand his Constitution Rights as a citizen, he owes no duty to the states, since he receives nothing there from, beyond the protection of his life, and property. His rights are such as existed by the law of the land [common law], long antecedent to the organization of the state, and can only be taken from him by Due Process of Law, in accordance with the Constitution. The Due Process Clause (procedural) extends the Constitution rights to state prosecutions, and it's through this Clause that majority of rights listed in the Bill of Rights have been incorporated to the states. Incorporation is the process by which this Court declares a Constitutional protection to bind state governments and their agents, as well the federal government.

Under Federal Rule of Civil Procedure 60(b)(4) allows independent action to obtain relief from Superior Court judgment State of Arizona.CR2004-020922-OO1DT.

## CONCLUSION

IN UNITED STATES V. PETERS, if States may, at will, Annul the judgments of the Courts of the United States, and destroy the Rights acquired under those judgments, the U.S. Constitution itself becomes a solemn mockery, and the Nation

is deprived of the means of enforcing its laws by instrumentality of its own tribunals. Whether it is a state court or federal court, if either lacks subject-matter jurisdiction, and personal jurisdiction or without authority, its judgment and decision are regarded as nullities. See Paul H. Robinson, Fair Notice and Fair Adjudication, Two Kinds of Legality, 154 U. of Penn. L. Rev. 335, (2005). In re: Levander, 180 F.3d 1114, 1118-19 (9<sup>th</sup>.Cir.1999).

The plaintiff is seeking to have their federal benefits restore, which were terminated by Dept. of Veterans Affairs, and Dept. of Labor (FECA). For the foregoing reasons the plaintiff prays this petition be granted because of National Importance of (Federalism) the system of government in which sovereignty is Constitutionally divided between a central governing authority and constituent political units. FRCP Rule 60(b)(4) provides that the Court may relieve a party from a final judgment and sets forth circumstances under which a judgment is void.

The Appellant is filling this appeal in Propria Persona, the general rule is that a complaint should not be dismiss if plaintiff can prove sets of facts, See *Haines v. Kerner*, 404 U.S. 519, 92S.Ct. 594 (1972). (Due Process of Law, Equal Protections of the Laws).

Respectfully submitted this 5 day of Nov., 2021

Jimmy D. Woods  
Jimmy D. Woods, Pro Se