21-6928

UNITED STATES SUPREME COURT

ORIGINAL

Clerk's Office
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

CASE NO: _____

Out of

United States Court of Appeals for the
Federal Court of Claims Number: Case Number: 2021-2234

(Judge Lettow) Case Number: 1:21-CV-01506-C UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

(JUDGE TAPP 28th District of Kentucky)

DENNIS L. MAXBERRY, PETITIONER

v.

THE UNITED STATES, AGENCY/ DEFENDANT

PETITIONER ASK FOR LEAVE IN ORDER FOR HIM TO FILE A

WRIT OF CERTIORARI

IN THE UNITED STATES SUPREME COURT.

Brief written by Pro Se Petitioner: Dennis L. Maxberry
PO Box 704
Chippewa Falls, WI 54729.
DennisMaxberry@Gmail.com
715-226-1216

CONTENTS PAGE

LIST OF PARTIES INVOLVED

The Petitioner who is the Plaintiff and the Appellant is:

Dennis L. Maxberry
PO Box 704
Chippewa Falls, WI 54729
DennisMaxberry@Gmail.com
715-226-1216. . . .**Plaintiff/Appellant/Writ Petitioner**

vs.

The Respondent who is the Appellee, and the Defendant is:

The United States Army Board of Correction
of Military Records and whose Attorney is Mariana Acedevo.
The Board's Address is: 251 18TH ST South Suite 385,
ARLINGTON, VA 22202. **Respondents**

And the Attorney the United States Attorney for the Respondents is:

Mariana Acedevo at c/o: Attorney Bar No: 3049681

Full Name MARIANA TERESA ACEVEDO

First Name MARIANA

Last Name ACEVEDO

Company Name US DEPT OF JUSTICE COMMERCIAL LITIGATION BRANCH

Address Po Box 480 Ben Franklin Station

Washington DC 20044-0480 Telephone (202) 616-0316

Email mariana.acevedo(a)usdoj.gov

Law School NEW YORK UNVERSITY Judicial Department of

Admission First Department (seated in Manhattan

QUESTION PRESENTED FOR REVIEW

1. Isn't a questionable claim by the defendant's that the Discharged Peace-time Veteran who had been discharged to a soft landing usually is when the Statutes of Limitation ran?

2. However, not in the favor of the defendant but in the favor of the Petitioner the Veteran. Isn't it cruel and unusual when the 3rd Party Commercial Attorneys added Prejudice to the documents before sending them to the Veterans as a Civilian to the Petitioner, or then what does Prejudice mean on an Honorable Discharge causing an unusual Inequity of property liquidation against the Petitioner?

3. Why is Prima Facie allowed for Governmental use and their 3rd Party Attorneys who are insider traders? When an Honorable is supposed to be unquestionable: However, when an Honorable with the 3rd Party insiders and Political Parties and Attorneys who make the use of it a contract? An Honorable Discharge should be an Honorable Discharge?

4.) In similarity of the above: The Charging Official delivers charges that are politically charged and call them two different allegations; with double jeopardy it is called Expeditious Discharge instead the Petitioner was supposed to get the Expedition Medal for Going to Germany which doesn't show on the records. Yet somehow, the same Fraternity has allowed all Fraternities to cause conflict of interest as for instance the U.S. Attorney is a U.S. Commercial Attorney who would seem like she could collectively bargain. However, she is falsily claiming some sort of agreement which does violate Title 18 U.S.C. 1028A doesn't which puts a cinch in the Respondents Affirmative Defense of Statutes of Limitation.

5.) At SEC 10(b) isn't it illegal to abolish a MOS in the Military as well as insider trading by a group of citizens; "Which can isolate an individual (The Petitioner) from his own income?

OPINION BELOW

The Respondent's United States Army Board of Correction of Military Records whose address is: 251 18th Street South, Suite 385 Arlington, VA 22202-3531. Although they never really answer the Petitioner's request for review. The Judge at the U.S. Court of Appeals for the Federal Circuit delivered the order. Although, the order stuck with the claim of Statutes of Limitation and stated: No one or the other owes the other anything. However, the case was being

overlooked by the Respondent's Attorney Mariana Acevedo DOJ PO Box 480 Ben Franklin Station Washington, DC 20040. The order overlooked the Veterans Jurisdiction in the matter he 3rd Parties production of disobedience to the Petitioner. Hall v. Alabama, 2010 U.S. Dist. LEXIS 14082, at *22-30 (M.D. Ala. 2010). As well, very similar to the U.S. vs. Alvarez Stolen Valor Act however the Petitioner argued that he is the real Veteran the other party is stealing the valor.

LIST OF RELATED CASES REVIEWED AS PRECEDENCE

CONSTITUTIONAL AMENDMENTS

Law Descriptions **Page Numbers**

CONGRESSIONAL ACTS & CIVIL RIGHTS ACT(s)

FEDERAL CODES AND STATUTES OF THE ACTS SUBMITTED BY PETITIONER

LOCAL RULES SUBMITTED

FEDERAL AND STATE JURISDICTION

The only agreement necessary between the two parties is that the Petitioner served his Nation in the United States Army from September 29, 1976 until June 23, 1978 no other agreement has ever been collectively bargained. Except the Employment relationship between the Petitioner and the United States Army the Respondent corrects document from the United States Army at Title 10 U.S.C. § 1558. This case is appealed from the two following Lower Courts: The United States Court of Appeals for the Federal Circuit and then the United States Court of Appeals failed to be coherent to the usual decided cases in Maxberry vs. U.S. based on Supreme Court Rule 10 (a.), (b.), (c.),. Based on the Petitioner's Argument and the jurisdiction of Civil Rights is bestowed as Title VII Civil Rights Act Section 703 (a); 703(a) (1) See McDonnell Douglas Corp v. Green 411 U.S. 792 (1973). 42 U.S.C. §2000e.

"The Respondents are actually making a cross claim as an Auxiliary of the Military which is hard for the Petitioner to make sense of due to the malicious and capricious insiders claiming the property of the Petitioner was abolished by insiders. The Petitioner had asked the United States Court of Appeals for the Federal Circuit to allow his appeal in forma pauperis and wherefore request leave to file this Writ to the United States Supreme Court under Rule 33 and 40 for the Petitioner is a Veterans seeking use of the: Statutes of Limitation at

Title 10 U.S.C. § 1552(3) is a claim made by the DOJ saying the Petitioner was bargained with which is bogus; 1553; 1553.Review of discharge or dismissal; 1553a. Review of a request for upgrade of discharge or dismissal; §1554.

Review of retirement or separation without pay for physical disability; 1554a.Review of separation with disability rating of 20 percent disabled or less; §1554b.Confidential review of characterization of terms of discharge of members of the armed forces who are victims of sex-related offenses. 10 U.S.C. § 1558 review of selection by board-10 U.S.C. 1558 - Review of actions of selection boards: correction of military records by special boards; judicial review Summary. 28 U.S.C. §1259(3). The applicable jurisdictional provision is 28 U.S.C. § 1254(1). United States v. Wilson. Military Rule of Evidence §405-United States vs. Wilson, 28 M.J. 48 (C.M.A.1989).

ARGUMENT

The Petitioner States, "There is no other Contract between the two parties except the missing Entry Statement of the Petitioner joining the Army because he was 17 when he went in and 19 when he was released no other contract exist.' The Prima Facie evidence is; 'that the Defendant's held in obedience as an agreement with another third Party in violation of 18 U.S.C. §1028A the Petitioner States, 'The Petitioner also states "He has only remembered what happened in cannon with 1028A Statutes of Limitation, and remembers when his Dad began using his name when he or (I) was 9 years old or 10 stating,

'He didn't have any credit in many bills, telephone, apartments etc...."' Oral or written statements are generally protected: *Pennsylvania v. Muniz,* 496 U.S. 582 (1990). "When the Petitioner explained that even if he wasn't guilty to the U.S. Attorney Respondent, the Petitioner had to add; that he had been hostility with malice made guilty on his own behalf, is not a agreement to a contract as the order states which is in conflict to Pennsylvania." The Petitioner ask the Court to allow for his appeal to move forward based on the information he had in the lower Court. This rule is described and descripted under the Local Rule 10 (1) (ii), (iii); (2) & (3) the Record on Appeal. Which is not an agreement but an argument that would ask the Court to allow the Petitioner his own identity or name rights in violation of as well; DACA Department of Homeland Security v. Regents of Univ., Cal., & Smiley v. City Bank (South Dakota) N.A., 517 U.S. 735, 742.

The Record would prove to the Appellate Court that the Petitioner/Plaintiff attempted to apply the rules in order to communicate with his own nexus of the Argument that IFP is usually allowed to those who are in a unpaid way with the Government. Thus especially those seeking the little Tucker Act as the Petitioner is entitled to a Waiver that has been a consistent issue for the Petitioner to seek redress, that it has been a joke to the 3rd Party goers stating, that they and the Government has found a weaker link to exploit. as to his own records in the Military which was being blocked by the U.S.

Attorney as a 3rd Party violating Title 18 U.S.C. § 1028A and then Politically began Gerrymandering the U.S. Army Soldier Dennis L. Maxberry whose MOS was 76D10 and 76P10 which at the time of the Petitioner's Permanent Party established him as a Prescribed Load List Clerk. As well, the Petitioner had joined the Military because he had not achieve an economical standard as a person in Civilian Life.

Wherefore, if and when this Court allow Local Rule 10 of the U.S. Supreme Court Rules then the answer the Appellee submitted which attempts to establish a demur by offering many issues that don't pertain to insider trading, and violates the 14th Amendment Rights of the Petitioner who once again was the only African American of his descend in the troop.

"(A.) Civil Remedy-Federal First Offender Act (Misdemeanor Drug Possession).

Where a person with no prior drug conviction is found guilty of Misdemeanor possession of a controlled substance under 21 U.S.C. § 844, courts may impose probation before entry of judgment, and subsequently dismiss the case without entry of judgment and no conviction resulting if the person has not violated a condition of probation. See 18 U.S.C. § 3607(a).[8] See Engles vs. U.S.

Informa Pauperis should be allowed for a Veteran seeking Upgrade to his discharge at 10 U.S.C. § 1558.

Expungement of all records is available only if the defendant

was less than 21 years of age at the time of offense. § 3607(c).

Then the troop started allowing 3rd Parties who weren't actually soldiers to utilize the base and when the Colonel asked why they would put the blame on the Plaintiff, so much so that David Lukens in Cincinnati had funds to become the Mayor of Cincinnati, and then Governor, as well as Scotty Basler Micro City Government in Lexington, Kentucky, was really the Boy Scouts and Captain Haunch who violated the 6th and 5th Amendment a Discrimination against the Petitioner by telling his (The Expeditious Discharge Program which is really the 1974 Speedy Trial Act), "Either sign this Article 15 or I will Court Martial you." It was easy to see that there was not enough Advocacy to attempt the Court Martial however, the Petitioner was never charged with a crime, and still got discharged; *see Gideon v. Wainwright, 372 U.S. 335, was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own. "Is similar to a Honorable but Prejudice General Discharge due to insider trading by the U.S. Army."*

However, the Respondents maintain there was no criminal Conviction in the Petitioner's record as stated in the Attached Appendix C 1 Page." Which inadvertently attempt to violate the Statutes of Limitation in order to claim that the Petitioner himself

vacated his rights to his own property at Title 18 U.S.C. § 1028A. U.S. Supreme Court.

See Attached allowance to waiver of Statutes of Limitation under see the "*Little Tucker Act the Administrative:*

The Little Tucker Act. "The Petitioner applied personally for Officer Candidate School and was transferred for this issue but the Guard on Duty claims they were using marijuana and so should they bring this issue against me the Petitioner."

The Little Tucker Act was passed in 1887 and is now codified at 28 U.S.C. § 1346(a)(2). It gives the district courts original jurisdiction, concurrent with the Court of Federal Claims, of any civil action or claim against the United States, not exceeding $10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. Thus, federal district courts were granted jurisdiction, along with the Court of Federal Claims, over "Tucker Act" suits against the federal government for claims under $10,000, hence the "little" Tucker Act.[United States v. Hohri, 482 U.S. 64 (1987)] Litigants now have an easier time of pursuing Tucker Act claims because they are able to utilize the district courts instead of traveling to Washington, D.C. with witnesses and evidence. Shaw v. Gwatney 795 F.2d 1351 (8th Cir. 1986). Engles vs. U.S. 678 F.2d 1st

Amendment violation of the Petitioner's due rights to obtain an Advocate even more now that inequity were their attempts and actions against the Petitioner who was 17 years old when he joined the Military in a Volunteer Peace-time during the Bicentennial year of 1976. When he moved to Alpha Troop from HHT 1/3rd Armored Cavalry Regiment the War time Veterans or Infantry blocked the Clerks Office and they contributed to lack of duty stations by taking what they wanted. Contributing to Title VII lack of Command.

If the claim is brought in a district court, that court sits as if it were the Court of Federal Claims. There is no jury trial and money judgments are generally the only relief available. Furthermore, claims must be for no more than $10,000 and state law plays no part in the case. The plaintiff does have the option of waiving all damages that exceed the $10,000 cap in order to retain the district court's jurisdiction. Smith v. Orr, 855 F.2d 1544 (C.A.Fed. 1988). The federal rules of procedure are applied. If a claim is erroneously brought in federal district court, the court has the authority to transfer the case to the Court of Federal Claims. 28 U.S.C. § 1406(c). Appeals for Tucker Act claims decided in district court are brought to the United States Court of Appeals for the Federal Circuit, regardless of which circuit the district court is part of.

The Petitioner is a resident of the States of Wisconsin and yet the Judge from Kentucky Judge Tapp disassociated by

Gerrymandering offered up two dismissals from the United States Federal Court System knowing that many Commercial Attorneys are intercepting the cases calling the issues Moot violation of 10 U.S.C. § 1553 Both Respondents could have cured in favor of the Petitioner. See U.S. v. Alvarez. Ayala v. United States, 16 Cl. Ct. at 3. The BCNR, when faced with the issue of back pay in a period of constructive status, 10 U.S.C. §1552.

Although as a child at 8 years old Dennis or (I) applied with money as a money order to have received for myself the preferred share in the mail. However I never received the mail back and did not know that it was any such thing as the company I had sent the money to. There was no contract, there was no conservatorship there was no communication that William Clay Maxberry, Jeffery Maxberry, Alice Carter Wilson, William Billy Carter Maxberry, Beatrice Points, Evelyn Carter, Charles Charlie Boy Maxberry or his family has taken the steps they had taken in order to cause such a strife as the Petitioner or (I) was taking. I had been asked by the Majority White High School either quit or I will expel you in a class I assumed I had passed.

Under the Petitioner's Claim for SEC 10(b)(1) their insider trading is not as simply applied as accumulated during the years but Prima Facie evidence are the U.S. Attorney with the nomenclature calling them Commercial Attorneys for a 10 U.S.C. § 1558 request seems to move the Courts well especially the USFCC & USCAFC who

squashed the identity of the Petitioner in favor of the Commercial Attorneys making the Army liable for the Petitioner's request since there is really no agreement to use of marijuana. As follows is the Prima Facie: Title 15 and 17 of the U.S.C. 10(b) (1); it is so similar to the reason why the United States Army and Board of Correction is utilizing a Commercial Attorney.

1.) The information I the Petitioner had was not illegal I bargained for the Preferred Share of Stock and the right to know who it was and that it was mine was legal.

2.) The Stock was publicly known at the time but isn't known to me now based on a non-conservatorship and a non-contract insider taking status.

3.) I intended to do my own use of the preferred share but it was intercepted in the mail in my childhood and was not returned to me. The Petitioner (me the writer of this report).

4.) Finally, I assumed the Company who was selling the preferred share had went bust, or was not doing business which I would have had to go for, however, what really happened someone intercepted it and I was left to suffer lack of jurisdiction type of insider trading leading me to seek a guardian signature to go into the Military in which it to was taken from Military file.

See White-collar crime. United States v. O'Hagan, 521 U.S. 642 (1997). Under §10b5-1, however, a defendant can assert an affirmative

preplanned trade defense.

The U.S. Supreme Court expounded on 10(b) in a pair of cases. In 2007, Tellabs, Inc. v. Makor Issues & Rights, LTD determined the requisite specificity when alleging fraud. With Congress requiring sufficient facts from which "to draw a strong inference that the defendant acted with the required state of mind," the Supreme Court determined that a "strong inference" means a showing of "cogent and compelling evidence." In the 2007-2008 term, the Supreme Court determined that 10(b) does not provide non-government plaintiffs with a private cause of action against aiders and abettors in securities fraud cases, either explicitly or implicitly. See Stoneridge v. Scientific-Atlanta, 443 F. 3d 987 (2008).

ISSUES OF FACTS

United States Supreme Court Rule 24 is generally allowed in the Lower Courts for issues of cases similar to these following cases: This case is similar to Miranda v. Arizona, 384 U.S. 436 (1966), No. 759, Argued February 28-March 1, 1966; Decided June 13, 1966*; 384 U.S. 436. United States vs. Whipple, 4 M.J. 773 (C. G. C. M. R. 1978), "Not only was the Petitioner Protected by Speech, he was a protected class, and at title VII he was only 19 years old concerning that the Sgt on duty was temporary and on consignment from KY to Texas now they are utilizing a Commercial Attorney." In the Miranda case the Court held that the Petitioner can't be his own down fall or if in this case that would be the only thing keeping him from getting worst then

statutes of limitation can't run. The reasoning this question is because the Respondents are claiming the Petitioner was conducting criminal acts, and discharged him based on criminal claims but the criminal issue don't show any of the evidence the Respondents are using.

However, the U.S. Attorney's Assistant had demurred it by destruction. The Petitioner who can only hope that the documents were equally read by a Court Clerk based on the misconstruction by the Respondent's Attorney would violate the top 1% of Political figurines. I continue to have serious reservations about the Court's limitation of the Fifth Amendment privilege to "testimonial" evidence. See *United States* v. *Mara*, 410 U. S. 19, 32-38 (1973) (MARSHALL, J., dissenting). I believe that privilege extends to *any* evidence that a person is compelled to furnish against himself. *Id.,* at 33-35. At the very least, the privilege includes evidence that can be obtained only through the person's affirmative cooperation. *Id.,* at 36-37.

However, the Petitioner who is unrepresented prays that the Court will be able to receive the reply by the Appellant for adjudication and reversal of what the Respondents Attorney is claiming is or isn't a criminal issue. However, without clarity the Court must reverse due to Discrimination which is Dennis L. Maxberry was the only African American in the United States 3rd Armored Cavalry Regiment, and was disparaged and discriminated against because he was a Cavalry Soldier; by the upper class of his troop who were all white, where they allowed other troops to start wearing Black Berets and U.S. Belt

Buckles in order to cause a weaker link in the Petitioner's chances as a soldier.

Now with Malicious, and capricious U.S. Commercial Attorneys the Defendant/Respondents are adjoined to assume that they can keep everything under SEC 10(b) due to insider trading against the childhood Preferred Share holder who has not been able to touch his own property. Easily speaking stating, "A 17 year old need not apply and set records for continued Peace-time arrangements, see Brown vs. the Board of Education 347 U.S. 483 (more) 74 S. Ct. 686; 98 L. Ed. 873; 1954 U.S. LEXIS 2094; 53 Ohio Op. 326; 38 A.L.R.2d 1180. What was the ruling of Brown vs Board of Education of Topeka?

THE PRIMA FACIE EVIDENCE

Is in favor of the Petitioner who as a soldier had to work for the Government and then a third party from Kentucky interfered should make the Army liable for those who were stepping away from their duties. Certainly, IFP isn't a violation of the Petitioner based on the inequities or far reach that a wayward Military order would give, at least the Petitioner is known not to have a wayward order from the Military. Making the Board and the Army liable under Little Tucker Act since Statutes of Limitation by the Respondent tolled early they are now claiming the waiver of the Petitioner, see Title VII Civil Rights Act Section 703 (a); 703(a) (1) See McDonnell Douglas Corp v. Green 411 U.S. 792 (1973). Zumerling v. Devine, 769 F.2d 745, 748 (Fed. Cir. 1985). "As for a United States Commercial Attorney violates the

Petitioner's General Discharge position; which would include blocking through a prejudice dispostion a 19 year's Good Soldier Defense which was allowed to him as a General Discharge without an Attorney."

On May 17, 1954, the Court declared that racial segregation in public schools violated the equal protection clause of the Fourteenth Amendment, effectively overturning the 1896 Plessy v. Ferguson decision mandating "separate but equal. "May 19, 2021.

III. Expungement, sealing & other record relief

A. Inherent expungement authority

There is no general federal expungement statute, and federal courts have no inherent authority to expunge records of a valid federal conviction. See, e.g., United States v. Jane Doe, 833 F.3d 192 (2d Cir. 2016), vacating 110 F. Supp. 3d 448 (E.D.N.Y. 2015); United States v. Crowell, 374 F.3d 790, 792-93 (9th 2004), cert. denied, 543 U.S. 1070 (2005). However, some courts have held that federal courts have inherent ancillary authority to expunge criminal records where an arrest or conviction is found to be invalid or a clerical error is made. United States v. Sumner, 226 F.3d 1005, 1014 (9th Cir. 2000); see cases collected in Jane Doe v. United States, 110 F. Supp. 3d 448, 454, n. 16 (E.D.N.Y 2015); Hall v. Alabama, 2010 U.S. Dist. LEXIS 14082, at *22-30 (M.D. Ala. 2010).[6] Occasionally, courts have agreed to expunge an arrest record upon a showing of need where the government did not object.[7] Second, courts must consider the complaint in its entirety, as well as other sources courts ordinarily

examine when ruling on Rule 12(b)(6) motions.

Federal First Offender Act (Misdemeanor Drug Possession)

Where a person with no prior drug conviction is found guilty of misdemeanor possession of a controlled substance under 21 U.S.C. § 844, courts may impose probation before entry of judgment, and subsequently dismiss the case without entry of judgment and no conviction resulting if the person has not violated a condition of probation. See 18 U.S.C. § 3607(a).[8] Expungement of all records is available only if the defendant was less than 21 years of age at the time of offense. § 3607(c).

The effect of expungement under this § is explained as follows:

The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in sub § (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose." 18 U.S.C. § 3607(c).[9]

Records be expunged from the Posse at least? Richardson v. Ramirez, 418 U.S. 24, 54 (1974).

REASON FOR GRANTING THIS WRIT

The United States Army through their 3rd Party fake witnesses and false exposes and unsigned douciers written by 3rd Party Commercial Attorneys against the 19 year old Soldier spoiled the writers of insider trading blocking the Petitioner from a preferred share of stock the Petitioner never have seen to this date but did attempt to purchase it and has lost the connection to his shares due to the false hatred conspiracies; and then at 10 U.S.C. 1558 that they were to destroy the career of the Petitioner Dennis L. Maxberry since he only had two months left on his Army Career before end of time served did actually get an end of time served. However, they are claiming is is an agreement. Then they through Prejudice and malice, with maliciousness and hostility blocked all Avenues of Communication to the Petitioner and finally attempted to make the Petitioner who was 19 years old agree with their claim to insider trading. Which was not available to them through the Speedy Trial Act so they named it an Expeditious Discharge because the Petitioner attempted to focus on his career. Then because the Petitioner is African American not Black, they destroyed the Petitioner's abilities through a 3rd Party hostility, that was maliciously, with hate, because it was their way of insider trading in violation of the mix of SEC to Military because the Petitioner is African American not Black which

would be (Part of the Family mix is White or Caucasian. They isolated and blocked the Petitioner from Advocacy Protection as Prima Facie evidence will show.

The Petitioner was discharged from the United States Army in 1978 Peace-time a 2nd Bicentennial soldier due to his joining as Volunteer in 1976. The Petitioner should not be made liable for the U.S. Army's Liabilities because he held a 76D10 & 76P10 MOS which they have claimed the abolished from him in order to depute his character. Military Rule of Evidence 405. Good Soldier Defense.

1. The Reason this Writ should be allowed is because the Petitioner was a Soldier in the Army and when he became an U.S. Army Soldier in 1976. The United States had abruptly halted all Wars. Therefore, although most of the Soldiers who went through training with me were War Veterans Vietnam Era Veterans and all of them were accepted into the Veterans of Foreign Wars, Gold Stars are Veterans who are deceased; Disabled American Veterans are Soldiers who could be dishonorably discharged. So when the Petitioner last checked although he entered service on the Anniversary the 200th year of Volunteer Soldiers the Spirit of 1976. I would never fit into the policy of protective Service members called the VFW or Veterans of Foreign Wars who is the policy writer for the rest of those who protect the rights of Soldiers. United States vs. Williams, 504 U.S. 36(1992).

2. Because of the Above the Petitioner ask for expungement because when he was discharged it was supposed to be Honorable with

a soft landing. However, someone got ahold of it before I got it. They changed the Discharge on the way out to something that looked unsecure. It violates the property rights of the Petitioner, as though the Petitioner is a member of DACA instead of being a United States Citizens.

A. the Court should reverse the lower Court and allow the Petitioner damages due to the tampering of the Government and the Petitioner's property rights. See U.S. vs. Alvarez the Petitioner was really a Soldier however, the argument of the 3rd parties was to intercept the rights of this petitioner through corruption and liable and slander with Discrimination added.

The United States Attorney continue to interfere with the documents of the Petitioner as though she or they are stalking the Petitioner under DACA which is a violation of the Plaintiff's 14th Amendment Rights see Brown v. School Board; however, the Respondent's Attorney are violating the Plaintiff's 4th, 5th, and 6th Constitutional Rights as well by forcing Family law payments by the intercepting issue of property and my ability to have decent friends after leaving Kentucky who harassment is uncalculating after they have intercepted mail and money.

The Reason this court should reverse is because the respondent is reversing what they have said previously that No one is to pay the other (attached Order of UCAFC) However, the respondents have claimed the Petitioner is a Criminal (Misdemeanor) and when the

Petitioner ask what are the charges the charges are redacted for the sake of the Respondents. The Petitioner is not allowed to make contact with the Respondent as though he is in Home prison. This is a violation of the 4th Amendment and is better reversed because the Plaintiff don't really have a criminal indictment; and there is no contract between the two.

3. The third and most important reason for granting the Writ is as follows: This issues is a bad malicious case of Insider Trading pursuant to Prima Facie evidence all of the U.S. Attorneys are Commercial Professionals vs. the Petitioner seeking to upgrade his identity and his dd214 which was unusually honorable, but before it got to the Petitioner it changed to what it is today. The United States Army is liable because they allowed the mail to be tampered with and transposed several violations to the Petitioner who never knew about them.

The Commercial Professionals intended and did take the Petitioner's identity at Title 18 U.S.C. § 1028A. The Petitioner makes this claim under this jurisdiction SEC Insider Trading by the State of Kentucky and the U.S. Army is liable because they allowed arbitrary action against the Petitioner as he served based on this:

A. The Petitioner Dennis L. Maxberry had the MOS of 76D10 and 76P10 which in training is called, "Stock Control Accounting Specialist 76P10; 76D10 is Material Supply. The Petitioner was a Prescribed Load List Clerk for the United States 3rd Armored Cavalry

Regiment and was a protected class that the Army allowed insider trading against.

B. The Army Discharged the Petitioner Honorably however, before it got to the Petitioner someone else added Prejudice and the statement, "You will see Prejudice as you are discharged." The statement was caused by Commercial Business Attorneys in violation of SEC Rule 10(b) 5-1 United States v. O'Hagan, 521, 642, (2010). The Respondents are attempting to strike the Petitioner out by claiming Statutes of Limitation based on the misappropriation of funds. In violation of the Statues the contained in the U.S. vs. O'Hagan. See Attached Appendix Waiver appropriations.

C. Even if the People or Culprits who started the insider trading are all gone today the inside trading is still focused on the Petitioner who was the one at 8 years old went to Big Bill Thompson's Stables and worked to gain enough income to purchase the Preferred Share of Stock he never received in the mail due to the interception of it by Inside traders. Right Now the Petitioner is focused on receiving Title 10 U.S.C. § 1558 and the Lower Court knew that and avoided handling the case due to Commercial Attorneys but did offer the reversal of, "No one owes anything to the other." Title 10 see Martinez v. U.S. 03-418, (2003).

D. The Statutes of Limitation and the allowable waiver (See Attached Board Order Appendix C 1 Page) for the Petitioner; the Respondents have not answered the application that the Petitioner is

allowed a waiver. "Since the Petitioner isn't entitled to the Auxiliary Fraternities due to his Peace time Volunteer Service the Petitioner leans heavily on Title 29 U.S.C. § 215 Prima Facie Evidence. The waiver will restart the Statutes of Limitation several times, in which the Respondents are claiming the Petitioner isn't allow one for their insider trade choices.

CONCLUSION

The Army knew they were discharging the Petitioner for something other than Bad or Good Service and utilized Commercial Government Attorneys to gain position over the censorships of the 6th Amendment utitilized in the Army. The 3rd Party Army Commercial Attorneys should be blocked from harassing the Petitioner whose Soft landing has never been noticed due to insider trading and because the Petitioner is African American and he has never been afforded an Attorney or Advocacy in his own Defense of a Commercial Attorney hate crime. As for that reason the Petitioner ask for pay differential against being made the scapegoat of the U.S. Army being made to look like he has never been a member of the Military. As For the above Reason the Respondents are liable for reasons as stated above due to his Good Soldier Act behavior at Evid. Rule 405. The Little Tucker Act would state that; when a soldier is being paid monthly the $10,000 a month payment is excused in the Little Tucker Act due to Title VII job and career loss. Through the 3rd Party's hatred and claim of Prejudice.

The Petitioner contends that the Respondent's claims turnout to

have been hearsay based on the order of the prior U.S. Court of Appeals for the Federal Circuit: Their word was against mine the Petitioner, calling for abolishing my "Stock Control Accounting Specialist Material Supply MOS as a Volunteer. In an Ammo dump with all Infantry men. Then they first abolished my MOS then they were persuaded by hearsay to do an Administrative attack against the Petitioner based on the Auxiliaries claims that they could not Administrative protect the Petitioner who at the time intended to love his family with all of his heart, (White Heart). A Red Herron Character Attack against the Petitioner's Character and Race at Title 42 U.S.C. §2000e. Which they hid as a training exercise at Title 18 U.S.C. §1028A removed the Petitioner's mail and character rights that still exist Today. Is a cause for Injunctive Relief and back pay, and Protective measures according to the statement by the Respondents that Statutes of Limitation has ran on the Petitioner's waiver. Little Tucker Act.

The Petitioner demands Redress and Injunctive Relief which should be allowed should include William Clay Maxberry's use of the Petitioner Personal Preferred Share of Stock SEC 10(1b) in which it can't be inherited to any other persons. William Clay Maxberry whose date of birth was April 3, 1926.

Compensation should be allowed for withholding information that would have been the duty of the Board when asked many years ago see 10 U.S.C. § 1558.