

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

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IN THE  
**SUPREME COURT OF THE UNITED STATES**

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RAFAEL CEZAR DANAM 'Pro Se'—PETITIONER

Vs.

ARIZONA BOARD OF EDUCATION—RESPONDENT(S)

DIANE DOUGLASS, ET AL

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APPLICATION TO CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED  
STATES

EXTRAORDINARY WRIT OF MANDAMUS

THE HONORABLE CHIEF JUSTICE JOHN G. ROBERTS, JR.

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**AFFIDAVIT OF DECLARATION TO PROCEED *IN FORMA PAUPERIS* &  
RECOGNIZE VETERAN'S STATUS AS LITIGANT "PRO SE" AUTHORIZATION OF  
SUPREME COURT RULES 39 & 40.1**

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## STATEMENT

Affidavit of Declaration, respectfully submitted to the Honorable Chief Justice John G. Roberts, Jr., and Clerk of the Supreme Court Mr. Scott S. Harris, in accordance with Supreme Court Rule 21, in completion of Active Duty Service for United States Air Force effective 10 September thru 15 November 2021 (MMXXII) in Support of Afghanistan Refugee Assistance, Petitioner as "Pro Se" in accordance with 28 U.S.C. § 1654 presents before the Clerk of the Supreme Court of the United States validating evidence and facts of Petitioner's status as a U.S. Armed Forces Member whom presently serves in the Department of the U.S. Air Force in accordance with U.S. Code: Title 10 - ARMED FORCES, Subtitle D - Air Force (§§ 8010 to 9842), Subtitle E - Reserve Components (§§ 10001 to 18506) and formerly served the Department of the U.S. Army, in the Reserve Component of the Army National Guard of Department of the Army 10 U.S.C. 3013, Chapter 303; National Guard Bureau 10 U.S. Code § 10501. Under provisions of Rules of the Supreme Court of the United States, a Petitioner who has presented petition for Writ of Mandamus may notify the Court Clerk of Veterans Status, providing evidence validating service under Supreme Court Rule 40.1. Authority of notification and request is Servicemembers Civil Relief Act (SCRA) (50 App. U.S.C. §§501-597 (b); 50 U.S.C. §§ 3901-4043). "[T]he Act [SCRA] must be read with an eye friendly to those who dropped their affairs to answer their country's call." *Le Maistre v. Leffers*, 333 U.S. 1, 6 (1948) (citing *Boone v. Lightner*, 319 U.S. 561, 575 (1943)). President Abraham Lincoln stated,

Soldiers: I am exceedingly obliged to you for this mark of respect. It is said that we have the best Government the world ever knew, and I am glad to meet you, the supporters of that Government. To you who render the hardest work in its support should be given the greatest credit. Others who are connected with it, and who occupy high positions, their duties can be dispensed with, but we cannot get along without your aid... (Abraham Lincoln, October 24, 1864 speech to 189th New York Volunteers)

This statement of declaration fulfills by authority of Supreme Court Rule 40.1, validates President John F. Kennedy's statement, "As we express our gratitude, we must never forget that the highest appreciation is not uttered by words, but to live by them." (1963, Veteran's Day at Arlington National Cemetery) for authorization of Supreme Court Rule 40.1 for Appellant.

## RELATED CASES

*Arizona State Board of Education (AZSBE) vs. Rafael C. Danam*, AZSBE Admin. Case No.: C-2016- 585. Order entered October 23, 2017; Appeal rehearing denial order February 26, 2018

*Rafael Cezar Danam vs. Arizona Board of Education*, Maricopa County Superior Court Case No.: LC2018-00093-001. Judgement entered March 2, 2018

*Rafael Cezar Danam vs. Garnett Winders*, Maricopa County Superior Court Case No.: CV 2018-051493. Judgement entered 2018.

*Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC. Judgement entered May 30, 2019.

*Rafael Cezar Danam vs. Arizona Board of Education*, Court of Appeals- Division One Case No.: 1 CA-CV 18-0668. Judgement entered October 31, 2019; Finalized April 23, 2020.

*Rafael Cezar Danam vs. Arizona Board of Education*, Arizona Supreme Court Case No.: CV-19-0284. Denial of review entered April 23, 2020.

***Rafael Cezar Danam vs. Arizona Board of Education*, Petition for Writ of Certiorari from Court of Appeals of Arizona, Division One, SUPREME COURT OF THE UNITED STATES Case No. 20-5831. Denied Petition for Writ of Certiorari December 7, 2020.**

*Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No. CV-20-02489-PHX-MTL. Judgement entered August 9, 2021.

### In Conjunction to Violation of Fifth (V) Amendment of U.S. Constitution by Defendants

*Rafael Cezar Danam vs. Elaine Kelley*, U.S. District Court of Nevada Case No.: 2:19-CV-01606-JAD-DJA. Judgement entered April 14, 2020.

*Rafael Cezar Danam vs. Elaine Kelley*, Supreme Court of the State of Nevada Case No.: 82036. Judgement entered [ref. Defendant Garnett Winders of Arizona Board of Education]

## AFFIDAVIT OF DECLARATION: ARGUMENT

### Supreme Court Rule 39, Proceed *In Forma Pauperis*

The 1946 Administrative Procedure Act (APA), which instructs courts reviewing agency actions to invalidate any that they find to be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” Arizona State Statute (“A.R.S.”) states that, “the court “shall” affirm the agency action unless the court concludes that the action is not supported by substantial evidence, is contrary to law, is arbitrary and capricious, or is an abuse of discretion.” A.R.S. § 12-910(E). The APA, which applies to all executive branch and independent agencies, prescribes procedures for agency rulemakings and adjudications, as well as standards for judicial review of final agency actions.

Appeals Court of Arizona Standard: Title 12 - Courts and Civil Proceedings, Article 1.2 Jurisdiction and Venue; ARS §§ 12-120.21 thru 12-120.24:

- 1.) We review the superior court's ruling “to determine whether the record contains evidence to support the judgment, and in doing so, we reach the underlying issue of whether the administrative action was illegal, arbitrary, capricious or involved an abuse of discretion.” *Arizona Dep't of Corr. v. State Pers. Bd.*, 202 Ariz. 598, 600 ¶ 8, 48 P.3d 1208, 1210 (App. 2002). [*Lewis v. Ariz. State Pers. Bd.*, 240 Ariz. 330, 379 P.3d 227, 2016 Ariz. App. LEXIS 166, 742 Ariz. Adv. Rep. 14]
- 2.) When reviewing an administrative decision, a trial court determines only whether the administrative action was supported by substantial evidence, and was not illegal, arbitrary, capricious, or an abuse of discretion. In an appellate court's review of the trial court's decision, the appellate court examines the record to determine whether the evidence supports the judgment. [*Winters v. Ariz. Bd. of Educ.*, 207 Ariz. 173, 83 P.3d 1114, 2004 Ariz. App. LEXIS 25, 419 Ariz. Adv. Rep. 25

Applicant request authorization in “In Forma Pauperis” as previously approved by canon of cases referenced except denied in U.S. District Court of Arizona Case No. CV-18-1493-PHX-DGC. Defendants are direct causation of loss of employment in the State of Arizona and the State of Nevada by direct notifications by Defendant Garnett Winders, Arizona Board of Education (“ABOE”) Chief Investigator, specific reference to Maricopa County Superior Court Case No.: CV 2018-051493, U.S. District Court of Nevada Case No.: 2:19-CV-01606-JAD-DJA, and Supreme Court of the State of Nevada Case No. 82036.

Supreme Court Rule 40, *Veterans, Seamen, and Military Cases*

Petitioner, RAFAEL CEZAR DANAM, as serving as enlisted, non-commissioned officer (NCO) and commissioned officer in the U.S. Armed Forces fulling my “Oaths” to the United States Constitution, by authority of “*Oath of Office*,” U.S. Commissioned Officers Title 5, United States Code (USC), § 3331 and Oath of Enlistment, U.S. Armed Services, 10 U.S.C. § 502, presents summary of service and validating documents [Redacted Official Order] for proof to the Court Clerk of the Supreme Court of the United States by Rule 40.1. Where applicable from Servicemembers Civil Relief Act (“SCRA”) in conjunction with the Soldiers’ and Sailors’ Civil Relief Act of 1940 (SSCRA), 50 U.S.C. §§ 3901-4043. “[T]he Act [SCRA] must be read with an eye friendly to those who dropped their affairs to answer their country’s call.” *Le Maistre v. Leffers*, 333 U.S. 1, 6 (1948) (citing *Boone v. Lightner*, 319 U.S. 561, 575 (1943)). With specific highlight of serving as both enlisted and officer for U.S. Department of Veterans Affairs in the capacity of Honor Guard Burial Details, providing military honor of burial to over 300 U.S. Armed Forces Personnel in all branches and service to “We the People” of the United States of America.

Furthermore, enduring and surviving during deployment to Iraq, improvised explosive devise (IED) attack and unknown biological agent attack in accordance with Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE) warfare from Department of Defense (DoD), I, Petitioner, Rafael C. Danam pursued and have diligently exemplified the qualities of character by standards of “ethos” of U.S. Department of the Army and U.S. Department of the Air Force, during my deployment in 2008-2009 in support of Operation Enduring Freedom (“OEF”), and recently Afghanistan Refugee Support Mission in 2021.

Petitioner as Applicant seeks “JUSTICE” proclaimed in Preamble of the United States Constitution from violations by Arizona Board of Education Members, violating 42 US Code § 1983 and § 1988 for Defendants violations of the Preamble of the United States Constitution, Supremacy Clause of the United States Constitution, Article VI, Clause 2, U.S. Constitution First (I), Fifth (V), Sixth (VI), Seventh (VII), Eighth (VIII) and Fourteenth (XIV) Amendments; furthermore State of Arizona violations by jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343 based on 42 U.S.C. §1983, State law claims pursuant to 28 U.S.C. §1367 for violations of Arizona Constitution Article 2, § 4, 5, 6 and 32. Applicant seeks right of vindication from constitutional violations by “Redress of Grievances” by Writ of Mandamus, Extraordinary Writ by Supreme Court Rules 20 and 22.

Under current international circumstances Air Combat Command (“ACC”) of USAF is on high alert and current assigned unit has (72)-hour Notice of Deployment active for current international situation in area of Ukraine by authority of United States European Command (“EUCOM”).

#### CONCLUSION

In conclusion presented by Petitioner pursuant Rule 29 to the Court Clerk of the SUPREME COURT OF THE UNITED STATES pursuant to Rule 40.1, Petitioner files this Motion for Veteran’s Status for attachment to Petition for Writ of Mandamus for Appeal in the Matter of RAFAEL CEZAR DANAM vs. ARIZONA BOARD OF EDUCATION declaration filing of “Proceedings In Forma Pauperis” Rule 39. Affidavit in Support of Motion, I swear or affirm under penalty of perjury that, because of detriment of financial harms directly caused by Defendants as Arizona Board of Education, I cannot prepay the docket fees of my appeal. I believe I am entitled to “Redress of Grievances” authorized by First Amendment, U.S. Constitution. I swear or affirm under penalty of perjury under United States laws that my affidavit declaration statement is true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.) With final recognition by the proclamation of President Abraham Lincoln to U.S. Soldiers, “Honor to the soldier and sailor everywhere, who bravely bears his country’s cause.” (December 2, 1863 letter to George Opdyke). Appellant prays, Honorable Chief Justice John G. Roberts, Jr. will

implement standard of judicial authority for violations of United States Constitution and federal statutes, as declared by Second President John Adams declared (*Thoughts on Government*, 1776):

[J]udges, therefore, should be always men [women] of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man [woman], or body of men [women].

Respectfully submitted to the  
COURT CLERK of the  
SUPREME COURT OF THE UNITED STATES

This Day of 21<sup>st</sup> of February 2022 MMXXII



RAFAEL CEZAR DANAM, "Pro Se" Petitioner

Notarized pursuant to 28 U. S. C. § 1746