

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Harold L. Wilborn Pro Se

Petitioner

v.

Alejandro N. Mayorkas
United States Secretary
of Homeland Security

Respondent

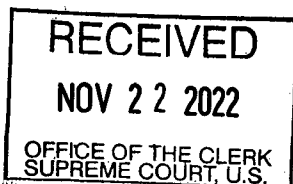
On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

Rule 40.1: STATUTORY WAIVER OF FILING FEES AND COST

Harold L Wilborn Pro Se
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U.S. Court of Appeals
Ninth Circuit
James R. Browning
Courthouse
95 7th Street
San Francisco CA 94103

Solicitor General U.S.
Rm 5616, Dept. of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001



Counsel of Record Rule 34.1

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI

**Rule 40.1 : Statutory Wavier of Filling Fees and Cost
(Proof of Service and Declaration)**

I Harold L. Wilborn, Petitioner Pro Se not being a member of the bar, state all parties required to be served have been served, this date November 18, 2022 as listed below. Service is made by declaration in compliance with 28 U.S.C. §1746. I am a service connected disabled veteran, A federal department, office, agency officer. . . may be a party to be serviced service shall be made on the Solicitor General of the United States, and U.S. Court of Appeals for the Ninth Circuit. Three copies prepared under Rule 29.4(a), and Rule 33.2., one for the appeals court and one for the Department of Homeland Security.

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MOTION-For leave to proceed as a veteran (U.S. Sup. Ct. R. 40(1))

Harold L. Wilborn

Petitioner, Pro Se:
Service-Connected
Disable Veteran

Alejandro N. Mayorkas
Respondent

Rule 40(1), as amended. The Petitioner respectfully moves the court for leave to file the attached Petition for Writ of Certiorari, without payment of cost and to proceed Pro Se, with other substantive documents; DD214, as a veteran Honorably discharged.

This is an action brought under the Uniformed Services Employment and Reemployment Rights Act of 1994 USERRA, Pub.L. 103-353, codified as amended at 38 U.S.C. §§ 4301-4335), prepared as required by Rule 33.2.

“ 38 U.S.C.A. §4323(h) FEES, COURT COSTS. — (1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter. “ Above to establish reemployment rights under any provision of law exempting veterans from payment of fees or court cost.

Petitioner has previously proceeded as a Pro Se veteran in the following courts:

U.S. District Court for the Southern District of California and

U.S. Court of Appeals for the Ninth Circuit.

Attached is Petitioners affidavit and declaration in support of this motion showing his status as a veteran.

Date: November 18, 2022

Harold L. Wilborn
15501 Harvard Avenue
Cleveland, Ohio 44128

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Affidavit and Declaration in Support of Veteran's Motion

Harold L. Wilborn

Petitioner, Pro Se:
Service-Connected
Disable Veteran

Alejandro N. Mayorkas
Respondent

I Harold L. Wilborn do make the following declarations: "I declare (or certify, verify, or state) under penalty of _____ under the laws of the United States of America that the foregoing and following is true and correct."
28 U.S.C. §1746

I am a veteran. This affidavit prepared as required by Rule 40(1).

Date of entry on January 4th, 1978, serving continuously until June 13th, 1985, on which date I was honorably discharged. Certified copy of Form DD214 provided by U.S. Department of Veterans Affairs, Cleveland VA Regional Office, Cleveland Ohio, Ph. 1(216)698-2393.

Thereafter on October 7th, 2020, I instituted this suit in the United States District Court for the District of Southern California, to establish reemployment rights under the provisions of 38 U.S.C. § 4323, USERRA. The District Court after a entry of judgment for the respondent the United States Court of Appeals for the Ninth Circuit affirmed.

I now wish to file a petition for certiorari, as a veteran, seeking review of these judgements to be more fully informed.

Date; November 18, 2022

Harold L. Wilborn
Petitioner's Signature

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

S/N 0102-U 000-2140