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No. _____

FILED
APR 12 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

BYRON RANDALL FISHER — PETITIONER
(Your Name)

vs.

DENIS McDONOUGH — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Federal Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Byron Randall Fisher
(Your Name)

919 Garfield Street
(Address)

Peekskill, NY 10566
(City, State, Zip Code)

(706) 570-8316
(Phone Number)

QUESTION(S) PRESENTED

Did the lower court violate the constitutional rights of an Iraq War Veteran (Petitioner) by not addressing the crimes committed by the Respondent?

Did the said crimes lead to the denial/delay (of many years) in the distribution of Veterans Disability Benefits to the said Petitioner?

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:

RELATED CASES

N/A

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JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 23, 2022 (CAVC) & April 5, 2023 (CAFC)

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

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Byron Randall Fisher (Petitioner) is an Iraq War Veteran who was promoted to the rank of Captain prior to receiving an Honorable Discharge from the United States Army. Prior to leaving the U.S. Army, the Petitioner was given a Pre-Discharge Exam by the U.S. Department of Veterans Affairs (VA). Subsequent to the said examination, the VA Examiner committed a violation of Title 18 of the United States Code (Sections 1001 & 1519) by submitting false documentation to the the VA stating that the Petitioner did not have swelling in their left foot and/or left ankle. The Respondent did not deny this crime in the lower court. The said VA Examiner's false narrative regarding the Petitioner tainted the Petitioner's ability to receive a fair and timely disability rating from the VA. Also, the said VA Examiner's criminal act calls into question all of the other information provided in the Petitioner's Pre-Discharge Exam Report. Therefore, the Petitioner is entitled to both VA Benefits Back Pay and Punitive Damages as result of the said VA Examiner's criminal offense.

REASONS FOR GRANTING THE PETITION

This court should grant this petition in order to ensure that the constitutional rights of America's veterans are not infringed upon and to make sure that federal appellate circuits maintain uniformity among their decisions.

In *Bolling v. Sharpe*, this court found that the due process clause of the Fifth Amendment to the United States Constitution prohibits the federal government from denying a citizen life, liberty, or property. The lower court denied the Petitioner liberty by allowing the Respondent to utilize falsified documents in order to deny and delay the awarding of Veterans Disability Benefits to the Petitioner.

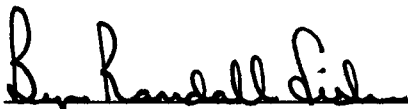
In *United States v. Rowland*, the United States Court of Appeals for the Second Circuit affirmed that "[creating] or [participating] in the creation of documents that [misrepresent] - or [falsify the truth] [...] with the intent to impede [a federal investigation]" is a crime under 18 U.S. Code § 1519. The lower court (Federal Circuit) has now split with the Second Circuit by allowing the Respondent's violation of 18 U.S. Code § 1519 to go unpunished.

This case presents this court with an opportunity to show the country that veterans are entitled to the same rights they risk their lives to preserve. This case also provides this court with the opportunity to make certain that the lower courts do not provide favorable treatment to litigants that engage in criminal acts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

April 12, 2023
