

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

In re Bruce Rutherford pro se

MOTION TO PROCEED AS VETERAN

Petitioner, Bruce Rutherford, moves the court for an order permitting him to proceed in this court, as a veteran with writ of mandamus and to proceed on papers prepared under Supreme Court Rule 33.2, as authorized by Supreme Court Rule 40. Petitioner should be permitted to prepare papers under Supreme Court Rule 33.2 because:

1. This is an action under 38 U.S.C. § 4323 to enforce petitioner's reemployment rights.
2. By statute and Supreme Court Rule 40.1, petitioner is excused from payment of fees and costs. See 38 U.S.C. § 4323(h)(1).
3. Petitioner's veteran status is established in the accompanying affidavit set out below, as required by Supreme Court Rule 40.1
4. Petitioner's petition for writ of mandamus is being filed with this motion and affidavit.

Dated: 9 - 1 -, 2022

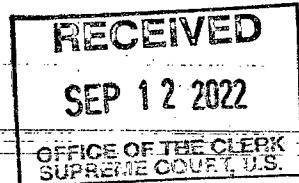
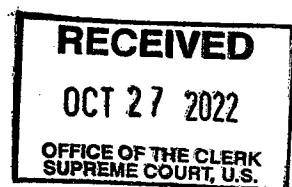
by: Bruce Rutherford

Bruce Rutherford - 27006-078

FCI Texarkana

P.O. Box 7000

Texarkana, TX 75505



AFFIDAVIT OF Bruce Rutherford

1. My name is Bruce Rutherford, I am over the age of 18 years of age. I currently reside FCI Texarkana, P.O. Box 7000, Texarkana, TX 75505 I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.

2. I am the plaintiff in the above-entitled action, which is a motion for a writ of mandamus.

3. I am a veteran within the meaning of 38 U.S.C. § 4323 and Supreme Court Rule 40.1.

As I am currently an inmate at FCI Texarkana, I do not have access to get any documents on my veteran status, however this should be easily verifiable. I don't think that I should be penalized just because I am in prison.

I served in the U.S. Army, 1969/1970. I house is financed as a VA loan.

Signed on 9-1-, 2022

By: Bruce Rutherford

Bruce Rutherford 27006-078

FCI Texarkana

P.O. Box 7000

Texarkana, TX 75505