

Supreme Court, U.S.  
FILED

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No. 23-1100

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In The  
*Supreme Court of the United States*

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MARTIN AKERMAN, PRO SE,

*Petitioner,*

v.

POSSE COMITATUS OF THE  
UNITED STATES OF AMERICA,

*Respondent.*

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On Petition For a Writ of Certiorari  
to the United States Court of Appeals  
for the Armed Forces

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTION PRESENTED

Tracing its origins to the Magna Carta of 1215, the writ of habeas corpus has been a fundamental pillar in the edifice of liberty, serving as a critical check on the arbitrary detention of individuals. This Great Charter asserted that "no free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land" (Magna Carta, 1215, Chapter 39).

The framers of the United States Constitution, cognizant of this rich legal heritage, embedded the principle of habeas corpus within the Suspension Clause of the Constitution (U.S. Constitution, Article I, Section 9, Clause 2), signaling its indispensable role in American jurisprudence. This inclusion was a clear indication that the writ was to be an enduring safeguard against the encroachment of tyranny.

- Given the historical foundations of the writ of habeas corpus, did the United States Court of Appeals for the Armed Forces err by dismissing, for lack of jurisdiction, the petitioner's case, without considering that the essence of habeas corpus jurisdiction should be predicated on the authority to review and potentially overturn the decision to detain, rather than merely on jurisdiction over the individual detained?

## **PARTIES TO THE PROCEEDING**

The petitioner's case emerges, highlighting a modern challenge to this ancient right. The dismissal of the petitioner's habeas corpus request by the United States Court of Appeals for the Armed Forces, for lack of jurisdiction, raises profound questions about the application and reach of this venerable legal remedy in contemporary times.

The petitioner, Martin Akerman, a tenured federal employee, has actively engaged in protected activities under the Uniformed Services Employment and Reemployment Rights Act (USERRA) by participating in an investigation concerning the wellbeing of military members. This engagement was part of his responsibilities as the Chief Data Officer of the National Guard Bureau of the United States, a position he holds, with tenure, under the authority of 44 U.S.C. § 3520. The petitioner has habeas standing under 28 U.S.C. § 2241(c)(1) and 28 U.S.C. § 2241(c)(2).

The respondent, Posse Comitatus of the United States of America, is embodied in this case by Nevada Air National Guard Brigadier General Caesar Garduno. Upon his federalization, General Garduno became subject to the laws and regulations of the Department of the Air Force, which mandate adherence to the principles and statutes that govern the use of military authority in civilian matters.

The crux of this case revolves around General Garduno's role as the Deciding Official in the detention of Mr. Akerman under 5 U.S.C. 6329b(b)(2) and his subsequent suspension without due process, which contravenes statutory protections codified by congress in 5 U.S.C. 7513. These actions raise critical legal questions regarding the potential misuse of military authority in a civilian federal employment context.

This situation is juxtaposed against the foundational legal principles articulated in the Magna Carta, which declares, "nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land." This historical assertion underscores the ongoing relevance of these principles, as they relate to the balance between military and civilian legal frameworks and the protection of individual rights within those contexts.

In accordance with Rule 29.4(a), the Solicitor General of the United States will be duly served, reflecting the direct involvement of the United States Government in the ongoing proceedings.

The involvement of the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform, as mandated by 44 U.S.C. § 3520(f), is essential to ensure that the legislative perspective and related relevant matters are integrated into the Court's deliberation, Rule 37.1.

## RELATED PROCEEDINGS

### Civilian Jurisdiction of the Administrative State:

1. **Petition for Writ of Certiorari to the U.S. Court of Appeals for the Federal Circuit (23-7127):** A related petition for writ of certiorari is currently pending response from the United States, due May 3, 2024, where the Merit Systems Protection Board and the Federal Circuit both claim to have no habeas jurisdiction over the petitioner's claims.
2. **Petition for Writ of Certiorari to the U.S. Court of Appeals for the District of Columbia Circuit (23-6710):** A related petition for writ of certiorari is pending conference in the Supreme Court of the United States, on April 12, 2024, without a response from the United States, where the District of Columbia Circuit claims to have no habeas jurisdiction over the petitioner's claims.
3. **Appeal under the Freedom of Information Act in the U.S. Court of Appeals for the District of Columbia (23-5309):** This pending case is crucial as it seeks to obtain vital information and documents under the Freedom of Information Act. The United States Court of Appeals for the District of Columbia is currently reviewing the matter, which holds substantial implications for the petitioner's overarching legal strategy. The resolution of this FOIA case is pivotal, influencing the petitioner's capacity to construct a well-informed and robust argument for the Supreme Court's consideration.

4. **Challenge to the suspension of the petitioner's right to habeas corpus in the United States Court of Appeals for the District of Columbia (Case No. 0:23-cv-01268):** This case is of critical importance as it scrutinizes the petitioner's alleged status as an enemy combatant—a designation that has been historically utilized to circumvent the protections afforded by the writ of habeas corpus, as outlined in 28 U.S.C. § 2241(e). This legal challenge not only probes the individual circumstances surrounding the petitioner's designation but also resonates with the broader constitutional guarantees enshrined by the framers.

**Civilian Jurisdictions of the Federal Courts:**

5. **Petition for Writ of Certiorari to the U.S. Court of Appeals for the Fourth Circuit (Virginia) (23A489 related to 23-7127):** A related petition for writ of habeas corpus and replevin from the civilian jurisdiction in the Eastern District of Virginia was denied on jurisdictional grounds and certiorari was DENIED.
6. **Petition for Writ of Certiorari to the U.S. Court of Appeals for the District of Columbia Circuit (23-6709):** A related petition for writ of certiorari from the civilian jurisdiction of the District of Columbia was denied on jurisdictional grounds and certiorari was DENIED.

Military Jurisdiction of the State of Nevada:

7. **Petition for Writ of Certiorari to the Supreme Court of Nevada (23-623):** A related petition for writ of certiorari from the military jurisdiction of the State of Nevada was denied on jurisdictional grounds and certiorari was DENIED.

**RELATED COLLATERAL PROCEEDINGS**

- **Supreme Court Case Nos. 23-6814 & 23-6815:** These cases, set for conference on April 19, 2024, are central to addressing the issue of Breach of Legal Insurance. This matter is deeply intertwined with the procedural and substantive rights of the applicant, Martin Akerman, who is appearing pro se in these proceedings. The cases represent a critical examination of legal representation and access to justice, highlighting the challenges faced by individuals who, without formal legal representation, must navigate the complexities of the legal system. The outcomes of these cases could have significant implications for the principles of fairness and equity in legal proceedings, particularly for those who, like Mr. Akerman, are compelled to represent themselves in court. These proceedings are essential in ensuring that the legal system remains accessible and just, even for those without the means or the expertise to secure traditional legal representation.

- **Merit Systems Protection Board Case DC-3443-22-0639-I-1:** This case is linked to an application to stay the mandate in the Supreme Court (docket No. 23A701), which was DENIED and has significant implications for the ongoing proceedings. The Supreme Court's decision not to stay the mandate means the case will proceed at the MSPB with a Petition for Review under 50 U.S.C. § 3341(j)(8).
- **Merit Systems Protection Board Cases DC-0752-23-0457-I-1 and DC-844E-24-0359-I-1:** These ongoing cases are central to the petitioner's grievances regarding ongoing issues that are integral to the arguments in the current petition before the Supreme Court.
- **Petition for Writ of Certiorari to the U.S. Court of Appeals for the Fourth Circuit (23-7072):** Set for conference on April 19, 2024, this case encapsulates broader concerns regarding due process, whistleblower protection, and the treatment of federal employees who play a pivotal role in ensuring data integrity, transparency, and accountability within a national security framework. The petitioner's detention without due process by officers from the State National Guards of Arizona, Arkansas, and Nevada represents a critical examination point for potential deviations from established legal norms and principles, which the judiciary is committed to upholding.



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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner respectfully requests that this honorable Court issue a writ of certiorari to review the judgment below.

May it please the Court, the petitioner, citing his standing under 28 U.S.C. § 2241(c)(1) and 28 U.S.C. § 2241(c)(2), additionally presents this petition for this Court's consideration as a petition for writ of habeas corpus, under 28 U.S. Code § 2241(a).

Should the Court decide not to entertain this petition as a habeas corpus application, it is requested, pursuant to 28 U.S. Code § 1651(a) and 28 U.S.C. § 2241(b), for this Court to transfer the application for hearing and determination to the appropriate district court that holds jurisdiction over the matter.

## **OPINIONS BELOW**

The opinion of the United States Court of Appeals for the Armed Forces appears at Appendix A to the petition and is unpublished.

The opinion of the Air Force Court of Criminal Appeals appears at Appendix B to the petition and is unpublished.

The opinion of the Supreme Court of Nevada appears at Appendix C to the petition and is unpublished, see Supreme Court case 23-623.

The opinion of Nevada Air National Guard Brigadier General Caesar Garduno appears at Appendix D.

## **JURISDICTION**

The date on which the United States Court of Appeals for the Armed Forces decided my case was December 18, 2023.

An extension of time to file the petition for a writ of certiorari was granted to and including March 29, 2024, on January 4, 2024, in application number 23A593.

The jurisdiction of this Honorable Court is invoked under 28 U.S.C. § 1254(1), which permits the Court to review cases from the United States Court of Appeals for the Armed Forces through writs of certiorari. Additionally, jurisdiction is also invoked under 28 U.S.C. § 1259, delineating specific instances wherein the Supreme Court may review decisions from the United States Court of Appeals for the Armed Forces, further emphasizing the Court's capacity to assess this petition.

May it please the Court, additionally, the petitioner, citing standing under 28 U.S.C. § 2241(c)(1) and 28 U.S.C. § 2241(c)(2), additionally invokes the jurisdiction of this Court under 28 U.S.C. § 1651(a) (The All Writs Act) and 28 U.S.C. § 2241(a).

## **TIMELINESS**

This corrected petition under Rule 40.3 is timely, submitted in good faith and in accordance with Rule 29.2, prepared in booklet form, as required by Rule 33.1, following a sample booklet provided by the Clerk, no more than 60 days after the date of the Clerk's letter dated April 2, 2024, Rule 14.5.

- The Supreme Court received the petitioner's initial motion to proceed under 38 USC 4311(b), under the whistleblower protection provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), on January 16, 2024, allowing the petitioner to proceed without payment of court costs and on the papers prepared, as originally granted in case 23M44 on December 11, 2023.
- The USERRA motion, DENIED under Rule 40.1 (23M53), was refiled under Rule 40.3 on February 16, 2024.
- A corrected petition under Rule 40.3 and a Rule 39 motion to proceed under Rule 33.2 was filed on March 8, 2024, no more than 60 days after the date of the Clerk's letter dated March 8, 2024, Rule 14.5.
- A corrected petition under Rule 40.3 was sent using pro se forms, prepared in booklet form, as required by Rule 33.1, on April 2, 2024, no more than 60 days after the date of the Clerk's letter dated March 12, 2024, Rule 14.5.



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **Posse Comitatus Act (18 U.S.C. § 1385):** This Act prohibits the use of the U.S. Army and Air Force to execute domestic laws unless expressly authorized by the Constitution or an act of Congress.
- **28 U.S.C. § 2241 - Power to Grant Writ of Habeas Corpus:** This statute grants federal courts the power to issue writs of habeas corpus, a fundamental legal mechanism through which individuals can challenge the legality of their detention or imprisonment. Section 2241 outlines the circumstances under which the writ can be applied, including for those in custody under the authority of the United States, for acts done or omitted in pursuance of an Act of Congress, or for those claiming rights violations under the Constitution, laws, or treaties of the United States.
- **U.S. Constitution, Article I, Section 9, Clause 2 (The Suspension Clause):** This clause of the U.S. Constitution states, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." This clause is a critical component of the Constitution, ensuring that the right to challenge unlawful detention through a writ of habeas corpus is preserved, a fundamental safeguard against arbitrary imprisonment.

- **First Amendment's Petition Clause:** This clause ensures an individual's right to petition the government for a redress of grievances, offering protections for public employees from retaliation for lawful petitioning.
- **28 U.S. Code § 1651 (The All Writs Act):** This statute empowers the Supreme Court and all courts established by Act of Congress to issue all writs necessary or appropriate in aid of their respective jurisdictions, consistent with legal traditions and principles.
- **First Amendment's Speech Clause:** This clause protects the freedom of speech, allowing individuals, including public employees, to express themselves without undue government restriction. It is especially pertinent for whistleblowers, ensuring they can speak out on matters of public concern, contributing to transparency and accountability within the government.
- **38 U.S. Code § 4311 (USERRA):** This section prohibits discrimination against persons who serve in the uniformed services, including acts of reprisal. Specifically, it provides whistleblower protections under subsection (b), ensuring that individuals, including civilians, are not adversely affected in their employment for participating in enforcement actions or investigations under USERRA.

## STATEMENT OF THE CASE

At the heart of this petition lies a profound concern for the sanctity of individual liberties and the rigorous application of justice within the American legal system, tracing its ethos to the revered Magna Carta of 1215. The writ of habeas corpus, a foundational element of liberty and justice, is challenged in this case, bringing to the forefront essential questions about jurisdiction, due process, and the balance between military authority and civilian rights.

The petitioner's quest for justice, underscored by a meticulous adherence to legal procedures, led him to exhaust all available remedies within the military court system, as mandated by the precedent set in *Gusik v. Schilder*, 340 U.S. 128 (1950).

A decision-maker must possess the authority to make federal employment-related decisions. The legitimacy of any employment action hinges on the decision-maker's authority, as highlighted in *Buelna v. Department of Homeland Security*, 122 M.S.P.R. 262 para 27-28 (2014).

These actions not only test the safeguards established under 5 U.S.C. §§ 6329b and 7513 but also prompt a reevaluation of the Posse Comitatus Act's applicability (18 U.S.C. § 1385) alongside vital First Amendment rights. The "federalizing" of State National Guard members who then engage in decision-making processes without the requisite authority presents a significant legal conundrum.

### I. Background

The intricacies of this case are magnified by the pressing need to delineate the constitutional and statutory limits of military influence over civilian domains, particularly as delineated under 10 U.S.C. §§ 12405 and 12406. In this regard, the principles set forth in *Printz v. United States*, 521 U.S. 898 (1997), resonate strongly, emphasizing the clear demarcation of authority between federal and state entities.

From September 12, 2021, to June 6, 2022, Martin Akerman, a tenured GS-15/Step-10 employee, served as the Chief Data Officer for the National Guard Bureau, a role appointed under the authority of 44 U.S.C. § 3520. His position placed him at the nexus of military and civilian jurisdictions, where he was tasked with aligning data strategies with the overarching goals of the National Guard Bureau, thereby playing a pivotal role in shaping its decision-making processes.

During his tenure, Akerman raised concerns about the underreporting of suicides within the military, a critical issue tied to the data systems he oversaw. This act of reporting led to severe repercussions, culminating in his unlawful detention under 5 U.S.C. § 6329b and a subsequent affirmed suspension under 5 U.S.C. § 7513, without regard to their respective statutory procedural safeguards. These actions underscore the critical need to maintain distinct boundaries between military and civilian domains.

On February 14, 2022, Martin Akerman was subjected to Notice Leave under 5 U.S.C. § 6329b without the procedural due process guaranteed by both 5 U.S.C. § 6329b and § 7513. His detention and forced exit from the workplace, executed by members of the Arizona and Arkansas National Guard, were not only devoid of the necessary procedural safeguards but also ignored his constitutional rights. This use of military personnel from state National Guard units in a federal enforcement context, without adhering to required procedures, signifies a profound disregard for the legal protections afforded to tenured federal employees. 5 U.S.C. § 6329b mandates that an agency must have a solid basis to believe that the employee's presence in the workplace could lead to detrimental outcomes such as a threat to safety, loss of evidence, damage to government property, or other jeopardies to government interests.

Subsequently, on April 6, 2022, a General Officer from the Nevada Air National Guard "federalized" and acting as a deciding official for the National Guard Bureau, affirmed Akerman's earlier suspension, without adherence to the critical procedural safeguards set forth in 5 U.S.C. § 7513. This statute mandates that an employee facing disciplinary action must receive at least 30 days' advance written notice detailing the specific reasons for the proposed action, unless they committed a crime, Appendix D. At a minimum, a decision-maker in such a context must possess the authority to review and potentially overturn previous decisions.

The Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996, codified at 28 U.S.C. § 2254(d), imposes a highly deferential standard for reviewing state court decisions. A federal court can grant habeas relief only if the state court's decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court or was based on an unreasonable determination of the facts in light of the evidence presented.

## II. Exhaustion of Military Remedies

Mr. Akerman diligently pursued and exhausted all available military judicial remedies, adhering to the precedent established in *Gusik v. Schilder*, 340 U.S. 128 (1950), which mandates that a military prisoner must exhaust all military judicial avenues before seeking habeas corpus relief in civilian courts.

His engagement with the Supreme Court of Nevada, documented in Appendix C, represents a critical phase in this journey. As the court with state military jurisdiction over the Nevada Air National Guard, its involvement underscores the unique intersection of state and military judicial domains in Mr. Akerman's case.

Following his efforts at the state level, Mr. Akerman escalated his pursuit of justice to the federal military courts. His interaction with the Air Force Court of Criminal Appeals, recorded in Appendix B, highlights his continued endeavor to navigate the complexities of military appellate procedures.

### III. Civilian Judicial Authorities

In addition to his exhaustive journey through the military judicial system, Mr. Akerman engaged rigorously with civilian judicial entities. His petition for a writ of certiorari to the U.S. Court of Appeals for the Federal Circuit (23-7127) remains pending, highlighting a contested realm where the Merit Systems Protection Board and the Federal Circuit both assert a lack of habeas jurisdiction over his claims.

Similarly, his petition to the U.S. Court of Appeals for the District of Columbia Circuit is set for a Supreme Court conference on April 12, 2024 (No. 23-6710). This case, too, is entangled in jurisdictional debates, with the District of Columbia Circuit denying habeas jurisdiction over Mr. Akerman's claims.

### IV. Freedom of Information Act and Challenge to Habeas Suspension

Mr. Akerman's appeal under the Freedom of Information Act in the U.S. Court of Appeals for the District of Columbia (23-5309) is pivotal, seeking crucial information that could reinforce his legal position. Furthermore, his challenge to the suspension of his right to habeas corpus in the same court (Case No. 0:23-cv-01268) delves into the profound implications of being labeled an enemy combatant, a status that historically obstructs the fundamental rights afforded by habeas corpus.

V. Broader Context of Legal Challenges  
and Implications

Mr. Akerman's involvement with the Merit Systems Protection Board (MSPB) in cases DC-3443-22-0639-I-1, DC-0752-23-0457-I-1, and DC-844E-24-0359-I-1 reflects ongoing issues that are integral to his arguments before this Court.

The denial of a stay in the Supreme Court (docket No. 23A701) has consequential implications for these proceedings, emphasizing the interconnectedness of Mr. Akerman's legal challenges across various jurisdictions and contexts. Moreover, Mr. Akerman's petition for a writ of certiorari to the U.S. Court of Appeals for the Fourth Circuit (23-7072) raises critical questions about due process, whistleblower protection, and the rights of federal employees within the national security framework.

Mr. Akerman's legal battles extend beyond the specific context of his military and civilian employment intersections. Supreme Court Case Nos. 23-6814 & 23-6815, set for conference on April 19, 2024, address the issue of Breach of Legal Insurance. These cases, in which Mr. Akerman appears pro se, delve into the nuances of legal representation and the accessibility of justice, underscoring the challenges individuals face in navigating the legal system without formal legal counsel. The outcomes of these proceedings could significantly influence the principles of fairness and equity in legal processes, especially for self-represented litigants.



## REASONS TO GRANT THE PETITION

This petition presents compelling reasons under Supreme Court Rule 10 for granting certiorari, illustrating the profound legal issues that necessitate this Court's review to ensure the preservation of constitutional safeguards and the principled application of federal law.

### I. Conflict with Established Precedents and the Need for Supervisory Intervention

The petitioner's case reveals decisions by lower courts that deviate significantly from established legal principles and precedents, warranting this Court's supervisory intervention under Rule 10(a). The actions and decisions in question, particularly those involving due process and the application of habeas corpus, demonstrate a departure from the accepted and usual course of judicial proceedings. The indefinite suspension of Mr. Akerman without a comprehensive bias assessment, as mandated by *Rippo v. Baker*, 137 S. Ct. 905 (2017), exemplifies such a departure, necessitating this Court's oversight to rectify these procedural anomalies and uphold fundamental legal standards.

## II. Unsettled Important Questions of Federal Law

Mr. Akerman's case presents critical questions of federal law that remain unresolved, demonstrating a compelling need for this Court's review under Rule 10(c). The intricacies of his case, notably the jurisdictional challenges and the procedural nuances in habeas corpus proceedings, exemplify important legal issues that this Court has yet to definitively address. These include the precise identification of respondents in habeas cases, the proper application of the Brady Rule within this unique legal context, and the interpretation of procedural safeguards under 5 U.S.C. §§ 7513 and 6329b for tenured federal employees.

### **A. Extensive Legal Journey and Judicial Discrepancies**

Mr. Akerman's exhaustive legal journey, marked by his efforts to exhaust all available remedies within both military and civilian judicial frameworks, underscores the complexity and significance of his case. The dismissals for lack of jurisdiction at various levels of the judicial system highlight a pressing need for this Court's intervention to clarify the bounds of judicial authority and the applicability of habeas corpus in contexts involving military and civilian interplay.

## **B. The Necessity for Clarification and Guidance**

The procedural and jurisdictional dilemmas encountered by Mr. Akerman in his pursuit of justice emphasize the urgent need for this Court's guidance. The unresolved questions and legal uncertainties permeating his case not only affect his individual rights but also have broader implications for the legal system's treatment of similar cases in the future. By granting certiorari, this Court has the opportunity to provide crucial clarifications that will enhance the legal framework governing habeas corpus petitions, ensuring that individuals in situations akin to Mr. Akerman's receive a fair and just adjudication of their claims.

## **III. Conflicts with Decisions of This Court**

The petitioner's circumstances reflect a disconcerting divergence from this Court's established jurisprudence, particularly regarding due process rights and procedural justice as enshrined in the Fourth and Fifth Amendments. The absence of a judicial determination of probable cause in Mr. Akerman's case, as mandated by *Gerstein v. Pugh*, 420 U.S. 103 (1975), exemplifies a critical misalignment with this Court's directives, necessitating review under Rule 10(c).

**A. Habeas Corpus Adjudication's Significance**

The Supreme Court's oversight in habeas corpus adjudications is indispensable, especially where lower courts may have deviated from standard legal applications. Mr. Akerman's reliance on 28 U.S.C. § 2241 underscores the essential function of habeas corpus as a protector of individual liberty against unlawful confinement. The Court's intervention is pivotal in ensuring that habeas corpus proceedings adhere to constitutional and legal standards, providing a definitive resolution on the procedural and substantive aspects of Mr. Akerman's case.

**B. Transfer Request for Judicial Scrutiny**

If this Court chooses not to consider the habeas corpus petition directly, Mr. Akerman respectfully requests a transfer to an appropriate district court, as per 28 U.S.C. § 1651(a) and § 2241(b), for a detailed and fair hearing. This approach would guarantee that Mr. Akerman's significant legal issues receive the rigorous examination they merit, consistent with the pursuit of justice and the principles of due process.

IV. Legislative Engagement  
and Its Implications for Judicial Review

Mr. Akerman's case underlines a significant interplay between legislative oversight and judicial review, aligning with Rule 10's consideration of the Court's supervisory power and the need to address important questions of federal law. His proactive interactions with legislative bodies and the resultant legislative actions provide a unique context that this Court may consider in its review, reflecting the broader implications of his case for the interpretation and application of federal statutes.

**A. Legislative Oversight  
and Statutory Intersections**

The statutory requirement for Mr. Akerman to engage with legislative committees, as outlined in 44 U.S.C. § 3520(f), demonstrates a clear legislative intent to oversee and influence the operations of the National Guard Bureau. The direct legislative response to Mr. Akerman's situation, as seen in the enactment of Public Law 117-103 (50 U.S.C. § 3341(j)(8)), illustrates the legislature's role in addressing specific issues arising within federal agencies. This intersection of legislative action and individual rights is a pivotal aspect of Mr. Akerman's case that warrants this Court's attention, providing a distinct backdrop against which the legal questions presented can be evaluated.

## **B. Congressional and Investigative Interactions**

The engagement of Congress and the subsequent investigation by the Office of the Inspector General into Mr. Akerman's claims highlight the case's significance beyond the individual level to encompass broader legal and policy considerations. These developments reflect a dynamic interaction between legislative oversight and judicial process, underscoring the relevance of Mr. Akerman's case in the context of federal law enforcement and oversight. The Court's review in this context would not only address the specific legal challenges faced by Mr. Akerman but also offer insights into the relationship between legislative actions and judicial interpretations, reinforcing the principles of accountability and justice within the federal government.

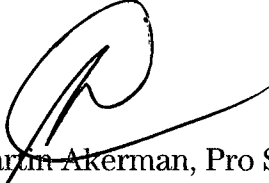
## **V. Request for Relief**

Petitioner Martin Akerman respectfully urges this honorable Court to issue a writ of certiorari to meticulously review the judgment rendered below. Anchored in his established standing under 28 U.S.C. § 2241(c)(1) and 28 U.S.C. § 2241(c)(2), the petitioner extends this request, advocating for this Court's essential consideration of his habeas corpus petition pursuant to 28 U.S. Code § 2241(a).

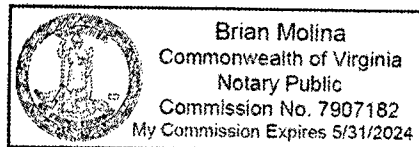
## CONCLUSION

The petition for a writ of certiorari should be  
GRANTED.

Respectfully Submitted Under Oath,

  
 Martin Akerman, Pro Se  
 2001 North Adams Street, Unit 440  
 Arlington, VA 22201  
 (202) 656 - 5601

County/City of Arlington  
 Commonwealth/State of Virginia  
 The foregoing instrument was acknowledged  
 before me this 5 day of April  
2024 by  
Martin Akerman  
 (name of person seeking acknowledgement)  
Brian Molina  
 Notary Public  
 My Commission Expires 05/31/2024



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