

## APPENDIX A

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-5230**

**September Term, 2023**

**1:23-cv-02575-UNA**

**Filed On:** February 2, 2024

Martin Akerman,

Appellant

v.

Sherri Doiron,

Appellee

**BEFORE:** Katsas, Rao, and Garcia, Circuit Judges

**ORDER**

Upon consideration of the notice of appeal, which the court construes as including a request for a certificate of appealability; appellant's brief and the appendices thereto; the motion to consolidate; the motion for leave to file a deferred appendix; the motion to update the case caption; and the petition for writ of mandamus, it is

**ORDERED** that the request for a certificate of appealability be denied and that the appeal be dismissed. See 28 U.S.C. § 2253(c)(1); see also United States v. Saro, 252 F.3d 449, 452-53, 455-56 (D.C. Cir. 2001). Appellant has not demonstrated that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right,” or “that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” See Slack v. McDaniel, 529 U.S. 473, 484 (2000). It is

**FURTHER ORDERED** that the motion to consolidate and the motion for leave to file a deferred appendix be dismissed as moot. It is

**FURTHER ORDERED** that the motion to update the case caption be denied. In accordance with Federal Rule of Appellate Procedure 12(a), this appeal was properly docketed under the title of the district court action. It is

**FURTHER ORDERED** that the petition for writ of mandamus be denied. Appellant has not shown that he is entitled to the extraordinary remedy of mandamus. See Cheney v. U.S. Dist. Ct. for the Dist. of Columbia, 542 U.S. 367, 380-81 (2004). To the extent appellant seeks relief related to appeal No. 23-5309, he must do so in that

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case.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no certificate of appealability has been allowed, no mandate will issue.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Selena R. Gancasz  
Deputy Clerk

## APPENDIX B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARTIN AKERMAN, )  
Petitioner, )  
v. ) Civil Action No. 23-02575 (UNA)  
SHERRI DOIRON, )  
Respondent. )

**ORDER**

Petitioner Martin Akerman is a resident of Arlington, Virginia, who has filed *pro se* a “Petition Under Title 28 U.S.C. § 2254 For Writ of Habeas Corpus By A Person in State Custody,” ECF No. 1, and a form application to proceed *in forma pauperis* (“IFP”), ECF No. 2. Petitioner has not answered the questions in the IFP application to enable an assessment of his ability to pay the \$5 filing fee applicable to habeas actions. *See* 28 U.S.C. § 1914(a). In addition, the Petition appears to arise from a Nevada state conviction over which this district court would lack jurisdiction. *See* 28 U.S.C. § 2241(a) (authorizing district courts to grant writs of habeas corpus “within their respective jurisdictions”); *id.* § 2241(d) (conferring concurrent jurisdiction over a § 2254 petition “in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced” the petitioner).

Accordingly, it is

**ORDERED** that Petitioner’s motion for leave to proceed *in forma pauperis*, ECF No. 2, is **DENIED**; it is further

**ORDERED** that Petitioner's motions for a CM/ECF Password, ECF No. 3, and to appoint counsel, ECF No. 4, are **DENIED** as moot; and it is further

**ORDERED** that this habeas action is **DISMISSED** without prejudice and closed.

Date: October 4, 2023

JIA M. COBB s/  
United States District Judge

## APPENDIX C

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN AKERMAN,  
Petitioner,  
vs.  
NEVADA NATIONAL GUARD,  
Respondent.

No. 86458

FILED

JUN 02 2023

SUSANNAH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DENYING PETITION*

This pro se original petition for a writ asserts purported claims for false imprisonment, among other things, and seeks declaratory and other relief. Having considered the petition, we are not convinced that our extraordinary and discretionary intervention is warranted. See NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (explaining that writ relief is proper only when there is not a plain, speedy, and adequate remedy at law and the petitioner bears the burden to demonstrate that extraordinary relief is warranted).

Even assuming the relief sought here could be properly obtained through a writ petition, any application for such relief should be directed to and resolved by the district court in the first instance so that the factual and legal issues can be fully developed, providing an adequate record to review.<sup>1</sup> See *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that an appellate court is not the appropriate forum to resolve questions of fact and noting that

<sup>1</sup>This includes a postconviction petition for a writ of habeas corpus, to the extent petitioner has styled his petition as such. See NRAP 22 ("An application for an original writ of habeas corpus should be made to the appropriate district court.").

when there are factual issues presented, appellate courts will not exercise their discretion to entertain a petition for extraordinary relief even if “important public interests are involved”); *State v. Cty. of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that “this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court” in the first instance), *abrogated on other grounds by Att'y Gen. v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013); *see also Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 684, 476 P.3d 1194, 1199 (2020) (noting that this court typically will not entertain petitions for extraordinary relief that implicate factual disputes).

Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

Stiglich, C.J.  
Stiglich

Cadish, J.  
Cadish

Herndon, J.  
Herndon

cc: Martin Akerman  
Nevada National Guard

<sup>2</sup>Petitioner’s “motion for an emergency writ of replevin” and “motion to certify the order for interlocutory appeal and rebuttal to allegations of frivolous and me” are denied as moot.

## APPENDIX D



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

May 20, 2022

Office of Legislative Liaison

The Honorable Tim Kaine  
United States Senate  
Attn: Janet Lomax  
222 Central Park Avenue, Suite 120  
Virginia Beach, VA 23462

Dear Senator Kaine:

This is in response to your inquiry on behalf of Mr. Martin Akerman regarding his request to obtain an explanation for the agency's decision to indefinitely suspend him from his IT Specialist position with the National Guard Bureau (NGB).

The National Guard Bureau Office of the General Counsel (NGB-GC) received Mr. Akerman's inquiry and provided the following information. By memorandum dated February 14, 2022, Mr. Akerman's immediate supervisor proposed to suspend Mr. Akerman indefinitely from his IT Specialist position based on his failure to attain and/or maintain a condition of employment—a Top Secret /Special Sensitive Information clearance and the suspension of his access to classified information and systems. Mr. Akerman was provided with documentation in support of the proposed action, including an initial decision by the Department of Defense Consolidated Adjudications Facility revoking Mr. Akerman's eligibility for access to classified information and assignment to duties that have been designated national security sensitive, and deny his eligibility for access to Sensitive Compartmented Information.

In an April 11, 2022, memorandum to Mr. Akerman, the Deciding Official, Brigadier General Caesar Garduno, determined the charge of failure to attain and/or maintain the conditions of employment was supported by a preponderance of evidence and Mr. Akerman's indefinite suspension from employment promoted the efficiency of the service.

The agency action to indefinitely suspend Mr. Akerman from the IT Specialist position and other matters are currently subjects of appeals to the U.S. Merit Systems Protection Board (MSPB). For the MSPB appeal with docket number DC-1221-22-0257-W-1, the agency filed a jurisdictional response on May 16, 2022. Likewise, for the MSPB appeal with docket number DC-0752-22-0376-I-1, the agency filed a response on May 17, 2022.

We trust you find this information useful.

Respectfully,

*Donna Warren*

Donna Warren  
Chief, Congressional Inquiries  
National Guard Bureau  
Office of Legislative Liaison

Enclosure