

23-6710

No. 2 A

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IN THE SUPREME COURT OF THE UNITED STATES

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MARTIN AKERMAN, PRO SE,  
APPLICANT

v.

KIRAN AHUJA, DIRECTOR,  
U.S. OFFICE OF PERSONNEL MANAGEMENT, ET AL,  
RESPONDENTS

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APPLICATION TO DEFER CONSIDERATION

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE  
OF THE SUPREME COURT OF THE UNITED STATES,  
AND CIRCUIT JUSTICE FOR THE  
UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT

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**BLUF (BOTTOM LINE UP FRONT)**

Martin Akerman, a pro se applicant with PTSD and detained since February 14, 2022, under 5 U.S. Code § 6329b, seeks deferred consideration for his attached petition for writ of certiorari to the U.S. Court of Appeal for the Federal Circuit, related to a pending petition for writ of certiorari to the Supreme Court of Nevada, *VIDE* 23-623.

On December 11, 2023, the Court granted Rule 40 motion 23M44, allowing the petitioner to proceed based on the papers and briefs prepared. Case 23-623 was docketed on the same day, December 11, 2023. A response to this case was due by January 10, 2024.

Pursuant to Rule 12.3, timely notice was provided on December 13, 2023. This notice was sent through certified mail to all parties.

As of January 16, 2023, no response is shown to have been received and the petitioner expresses a concern that the Court should not proceed with the examination of this new case without first resolving the matters related to state military jurisdiction, and the potential violation of posse comitaus, as covered in Cases 23-623, 23M52, and 23M53.

Additionally, a related case in the United States Court of Appeals for D.C. is challenging the designation of the petitioner as an Enemy Combatant under pending Case No. 23-1268.

#### **RELATED PROCEEDINGS**

1. The instant petition for writ of certiorari from a petition for writ of habeas corpus, filed under Case No. 23-5230, appealed from the U.S. District Court for D.C., is accompanied by a petition for writ of certiorari, from a 28 U.S. Code § 2255 motion attacking the alleged conviction, from the United States Court of Appeals for D.C., under Case No. 23-5229.
2. In the Supreme Court of the United States: three related petitions for writ of certiorari are set for conference on February 16, 2024, Cases 23-623, 23M52, and 23M53;
3. In the United States Court of Appeals for the District of Columbia: challenges against the designation of the petitioner as an Enemy Combatant, filed under Case No. 23-1268;
4. A petition for writ of habeas corpus was dismissed without consideration by the the United States Court of Appeals for the Fourth Circuit and an application for a stay of the mandate was denied by the Court on January 8, 2024, 23A489.

#### **RELATED COLLATERAL PROCEEDINGS**

- In the Supreme Court of the United States: An application for an extension of time to file a petition for writ of certiorari was granted, until March 29, 2024, from the United States Court of Appeals for the Fourth Circuit, 23A536;
- In the Supreme Court of the United States: An application for stay of the mandate from the United States Court of Appeals for the Federal Circuit, No. 23A701, focusing on MSPB deference, agency misinterpretation, and accretion of duties in light of new law, 50 U.S. Code § 3341(j)(8), of March 15, 2022, as it applies to whistleblower retaliation affecting security clearances, under 5 U.S.C. §§ 7513 and 2302(b)(8).
- In the United States Court of Appeals for the District of Columbia: A related Freedom of Information Act Case, No. 23-cv-2574 in the U.S. District Court for the District of Columbia.
- In the Supreme Court of Virginia: A case addressing a Breach of Legal Insurance, a matter connected to the pro se status of the applicant in all proceedings.

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I, Martin Akerman, appearing Pro Se, respectfully request  
Deferred Consideration for the attached petition for writ of  
certiorari.

This case is intricately related to ongoing legal  
proceedings, including Case No. 23-623 from the Supreme Court of  
Nevada, No. 23M52 from the U.S. Court of Appeals for the Federal  
Circuit, and No. 23M53 from the Court of Appeals for the Armed

Forces. The interconnected nature of these cases necessitates a comprehensive and synchronized approach to their resolution.

Given the complexities of these legal issues and my pro se status, it is paramount to grant a deferral. This will provide the necessary time and resources to adequately address the legal intricacies involved in this matter.

#### JUDICIAL ECONOMY AND FAIRNESS

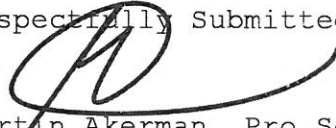
There are several related proceedings and collateral actions that impact the overall disposition of this case. These include applications for extensions of time, motions challenging convictions, petitions for writs of habeas corpus, challenges to designations, and related Freedom of Information Act cases.

Granting this request for deferral will promote judicial economy by avoiding premature decisions and ensuring that the Court has the benefit of all relevant judgments and proceedings in the related cases. It will also uphold the principles of fairness and due process by allowing for a comprehensive examination of all pertinent issues.

CONCLUSION

I, Martin Akerman, commit to complying diligently with any new timelines established should this request for deferral be granted. I extend my gratitude to the Court for its consideration of this request, and I trust that a deferral will contribute to a just, fair, and informed resolution of this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'MA', is written over the text 'Respectfully Submitted,'.

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