

No. \_\_\_\_\_

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In The  
*Supreme Court of the United States*

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MARTIN AKERMAN, PRO SE,

*Applicant,*

v.

VIRGINIA STATE CORPORATION COMMISSION,

*Respondent.*

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MOTION FOR RECUSAL  
OF CHIEF JUSTICE JOHN G. ROBERTS, JR.

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IN RE: SUPREME COURT OF VIRGINIA  
CASE NO. 230684

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February 19, 2024

**To the Honorable Chief Justice Roberts:**

Before delving into the formal introduction of this motion, I wish to express my profound respect for the judiciary's role in upholding justice and the integrity that Your Honor represents within our legal system.

It is with a heavy heart, 10 days from leap day of the most difficult quadrennial of my life (2021-2024), and after considerable deliberation, that I find myself compelled to submit this motion for recusal. The impetus for this motion is rooted in concerns that transcend personal interest, aiming instead to preserve the sanctity and perceived impartiality of our judiciary.

The instant case highlights spoliation and procedural irregularities that appear to echo across various circuits under your esteemed allotment, including the DC Circuit, Federal Circuit, Fourth Circuit, and the Court of Appeals for the Armed Forces.

These are not minor procedural oversights but rather substantial infringements that have not only compromised Federal judicial proceedings but also appear to have evolved to cast a shadow over the administration of justice here, in the Supreme Court of Virginia and the State Corporation Commission.

This motion is driven by an earnest concern for the principles of justice and the unwavering belief that the judiciary, as the bedrock of our democracy, must remain above reproach. It is in this spirit that I respectfully approach Your Honor, fully aware of the gravity of this request and with the utmost faith in the judiciary's commitment to ethical stewardship and impartiality.

Alexander Hamilton, in Federalist No. 78, draws upon the wisdom of the celebrated Montesquieu to underscore the judiciary's vital but vulnerable position within the framework of government:

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*"This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature*

*and the Executive. For I agree, that 'there is no liberty, if the power of judging be not separated from the legislative and executive powers.' And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security."*

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May this motion serve not only as a plea for recusal but as a reaffirmation of our collective commitment to a judiciary that stands as the epitome of integrity and impartiality.

Very Respectfully,

  
Martin Akerman, Pro Se

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Brady Rule ..... cases 23-6709, 23-6710  
Chevron Deference ..... case 23A701  
Collateral Order Doctrine..... cases 23A489, 23A536  
Freedom of Information Act ..... CADC No. 23-5309  
Habeas Corpus.....cases 23-623, 23M52, 23M53, 23-6710  
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## **APPENDICES**

Appendix A..... Supreme Court of Virginia 230684  
Appendix B..... Filing Letter From Clerk of S.Ct. U.S.  
Appendix C..... Justice Alito's Criteria for Recusal  
Appendix D: ..... Allotment of Circuits, Sept. 28, 2022  
Appendix E:....Proof of Default and Habeas Proceeding

## **I. INTRODUCTION**

The Applicant, Martin Akerman, appearing pro se, respectfully requests the recusal of Chief Justice John G. Roberts, Jr. from the current case, involving the Virginia State Corporation Commission as the respondent. This request is predicated on concerns of spoliation and allegations of judicial misconduct within circuits under the Chief Justice's esteemed oversight, including the D.C. Circuit, Fourth Circuit, Federal Circuit, and Court of Appeals for the Armed Forces. The imperative to uphold the integrity of the judiciary and maintain public confidence in its impartiality serves as the foundation for this motion.

The journey leading to this Motion for Recusal is navigated within a complex jurisdictional framework that culminates at the Supreme Court of the United States. At the heart of this narrative is Chief Justice John G. Roberts, Jr., whose jurisdictional purview encompasses Virginia through the Fourth Circuit.

Within this jurisdictional arrangement, appellate review over cases originating from the State Corporation Commission, as specified under § 17.1-406 of the Virginia Code, situates Chief Justice Roberts in a



pivotal position of influence over the adjudicative processes of the Supreme Court and lower courts of Virginia, as well as the Virginia State Corporation Commission.

The merits of the case before the State Corporation Commission involve a breach of legal insurance. This insurance was intended to furnish competent legal counsel for the cases brought before the various circuits, aiming to navigate and remedy the administrative, investigative, and criminal challenges encountered by the Applicant, as an insured member during a covered period, Appendix A.

The breach of this legal insurance has not only left the Applicant without the necessary legal support to defend himself but also highlights systemic issues within the judicial process that could affect future litigants. Thus, addressing and rectifying these issues is not only in the interest of the Applicant but also serves the broader objective of ensuring the judiciary's commitment to fairness and justice for all.

## **II. BACKGROUND**

The merits of the claim from the Supreme Court of Virginia, outlined in Appendix A, involve Martin Akerman's appeal against the State Corporation Commission's (SCC) decision in Bureau of Insurance Complaint 131860. Akerman challenges the SCC's introduction of fraudulent evidence and the premature closure of his complaint without issuing an appealable order. He asserts these actions constitute exceptional circumstances warranting review and reversal.

To ensure adherence to Supreme Court procedures, the Applicant, Martin Akerman, submits two separate and identical motions for recusal of Chief Justice John G. Roberts, Jr., together with petitions for writ of certiorari, and in forma pauperis, corresponding to cases Nos. 230684 and 230670 in the Supreme Court of Virginia. This dual submission is prompted by the Supreme Court's procedural guidelines, as clarified in a communication from the Clerk of the Court dated February 14, 2024, Appendix B.

In August 2023, Senator Richard Durbin, Chair of the Senate Judiciary Committee, submitted a letter to Chief Justice Roberts, urging appropriate steps to ensure Justice Alito's recusal in an unrelated case, (*Moore v. United States*, 2023). Justice Alito, responding to these concerns, delineated the criteria and considerations that inform a Justice's decision regarding recusal, emphasizing the paramountcy of duty to sit absent a valid reason for recusal, Appendix C.

#### Chief Justice Roberts' Allotment of Circuits

The Chief Justice's oversight over various circuits, under 28 U.S.C. § 42, as outlined in the Supreme Court order dated September 28, 2022 (Appendix D), and further augmented in Supreme Court Rule 22.3, include the District of Columbia, the Fourth Circuit, the Federal Circuit, and the Court of Appeals for the Armed Forces.

The Applicant reports encountering severe First Amendment violations relating to the right to redress grievances across all jurisdictions, designed to conceal *res ipsa loquitur* evidence of government misconduct.

District of Columbia Circuit

The District of Columbia Circuit, as the administrative and governmental nucleus of the nation, houses an extensive network of federal agencies. These institutions are integral to the fabric of the administrative legal system, including the Department of Justice, the Merit Systems Protection Board (MSPB), the Office of Special Counsel, the Department of Labor, and the Office of Personnel Management.

Concerns have emerged regarding the execution of authority in cases involving the Freedom of Information Act (FOIA) and habeas corpus, as observed in Supreme Court of the United States cases 23-6709 and 23-6710 and U.S. Court of Appeals cases 23-5309 and 23-1268. These concerns hint at a broader narrative of reluctance within certain judicial quarters to confront or adequately address potential issues of accountability and transparency. This pattern of behavior, permissive of spoliation of evidence, raises significant questions about the integrity of oversight mechanisms designed to hold these agencies accountable.

#### Fourth Circuit

The Fourth Circuit is home to the applicant, appointed as Chief Data Officer for the National Guard Bureau, a Department of Defense agency, also in Virginia. This circuit, encompassing Virginia, additionally houses the Department of Defense along with its Joint Chiefs and military departments, positioning it as a pivotal location for defense operations, vide vide Supreme Court of the United States, Cases 23A489 and 23A536, that deal with spoliation in the Eastern District of Virginia.

Furthermore, the vicinity includes essential intelligence agencies like the Defense Counterintelligence and Security Agency in Maryland, which is responsible for issuing security clearances, vide Supreme Court of the United States, Case 23A701.

The conduct observed within the jurisdiction of the Supreme Court of Virginia (230670 & 230684) and the U.S. District Court for the Eastern District of Virginia (22-696 & 22-1254) has brought to light significant concerns regarding judicial oversight and accountability.

### Federal Circuit

The bifurcation of jurisdiction between the District of Columbia Circuit and the Federal Circuit creates an additional notable gap in accountability, particularly evident in cases involving the administrative state. This division allows for a scenario where responsibilities over certain federal agencies and their related legal disputes are split, potentially hindering comprehensive oversight. For instance, in the petition for writ of certiorari 23M52, concerning a writ of habeas corpus in the administrative state, the applicant found no recourse, highlighting a gap in judicial accountability. Similarly, case 23A701, which had to be bifurcated from the Fourth Circuit to the Federal Circuit on grounds of jurisdiction, encountered issues of spoliation at MSPB, without subsequent adverse inference, further emphasizing concerns over judicial oversight.

The interaction between Chevron deference and the bifurcated judicial oversight of the administrative state presents a significant barrier for litigants seeking redress or challenging agency actions. This dynamic effectively creates a judicial environment where

agencies are granted considerable leeway in their operations, potentially at the expense of individual rights and legal recourse.

Furthermore, the interaction between Chevron deference and judicial oversight, as evidenced in cases such as 23A701, illustrates a critical juncture at which the judiciary's role in balancing governmental powers becomes paramount. This dynamic, while designed to streamline administrative adjudication, must not compromise on the principles of justice and equity, nor should it dilute the judiciary's role in safeguarding individual rights against administrative overreach.

Therefore, this motion for recusal is posited not as a critique of Your Honor's character or capabilities, which I hold in high esteem, but as a necessary step towards preserving the judiciary's sanctity and the public's perception thereof. It is a call to action, rooted in the conviction that our judiciary must not only be impartial but also be perceived as such, to maintain its role as the bulwark of justice in our society.

Court of Appeals for the Armed Forces

CAAF Case 23M53, related to 23-623 from the Supreme Court of Nevada, which exposed the U.S. government's illegal utilization of military members, particularly federalized officers of state national guard units, in roles contrary to the posse comitatus act, highlighting a glaring lack of recourse in both civilian and military judicial systems. Such instances not only challenge the legal boundaries but also raise profound concerns about the mechanisms in place to address and prevent the recurrence of such violations.

The bifurcation of jurisdiction between the District of Columbia Circuit and the Federal Circuit, and further divide between military and civilian tribunals reveals a troubling gap in accountability. This division, particularly evident in cases like the petition for writ of certiorari 23M52 concerning habeas corpus within the administrative state and case 23A701, which targets spoliation without adverse inference, may indeed point a reasonable person with facts to a common thread, suggesting a collective aversion to administering justice effectively and fairly.



Active Collateral Administrative Cases

Supreme Court of the United States

- (Case No. 23A536) an extension was granted until March 29, 2024, for the filing of a petition for writ of certiorari, stemming from the **U.S. Court of Appeals for the Fourth Circuit**. A related application to stay the mandate was denied (case 23A489).
- (Case No. 23A701): an application to stay the mandate of the **U.S. Court of Appeals for the Federal Circuit** and the Merit Systems Protection Board (MSPB), focusing on spoliation, and issues of MSPB deference, agency misinterpretation, and MSPB duties in light of new law (50 U.S. Code § 3341(j)(8) as of March 15, 2022).

U.S. Court of Appeals

for the District of Columbia

- (Case No. 23-5309): a Freedom of Information Act case from the U.S. District Court for the District of Columbia concerning investigative adequacy and spoliation in federal agencies and quasi-judicial bodies.

Active Collateral Habeas Corpus Cases

Supreme Court of the United States

- (Case No. 23-6709): a petition for writ of certiorari from a 28 U.S. Code § 2255 motion attacking an alleged conviction, from the **U.S. Court of Appeals for the District of Columbia**.
- (Case Nos. 23A489, 23-623, 23M53, 23M52, and 23-6710): related applications and petitions for writ of certiorari, derived from a petition for writ of habeas corpus in want of jurisdiction, appealed from the **U.S. Court of Appeals for the Fourth Circuit**, the **Supreme Court of Nevada**, the **U.S. Court of Appeals for the Armed Forces**, the **U.S. Court of Appeals for the Federal Circuit**, and the **U.S. Court of Appeals for the District of Columbia**, respectively.

U.S. Court of Appeals

for the District of Columbia

- (Case No. 23-1268): challenges against any designation of the petitioner as an Enemy Combatant.

### **III. GROUNDS FOR RECUSAL**

In Appendix C, Justice Alito addresses a request for his recusal in a case, emphasizing that recusal is a personal decision for each Justice and should only occur when there is a valid reason.

This motion for recusal is predicated on the principle that the appearance of impartiality is as critical as its actual presence. The call for recusal in this motion finds its roots in a legal framework solidified by precedent and statutory guidance, primarily under 28 USCS § 455(a), which mandates recusal if a reasonable person, knowing all the circumstances, would question the judge's impartiality. This objective standard, devoid of the necessity for actual knowledge of a disqualifying fact by the judge, aims to uphold the judiciary's integrity by safeguarding against even the appearance of partiality or bias.

### A. Legal Framework for Recusal

In *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), the Supreme Court underscored the significance of maintaining public confidence in the judiciary by asserting that the lack of actual knowledge by a judge does not negate the requirement for recusal if a reasonable person would expect the judge to have such knowledge. This ruling highlights the paramount importance of an objective assessment over the subjective knowledge or beliefs of the judge involved.

Further elucidating the scope of recusal, *Liteky v. United States*, 510 U.S. 540 (1994), distinguished the 1974 amendments to § 455 as broadening the basis for recusal to include not just bias or prejudice but also any interest or relationship that could be construed as compromising a judge's impartiality. This case reinforced the shift from a subjective standard—relying on the judge's personal assessment—to an objective standard, considering the perspective of an informed, reasonable observer.

Parrish v. Board of Comm'rs, 524 F.2d 98 (1975), and subsequent rulings like United States v. Cowden, 545 F.2d 257 (1976), and Blizard v. Frechette, 601 F.2d 1217 (1979), have collectively established that the determination of a judge's partiality must be made from the vantage point of the reasonable person, armed with all relevant facts. This body of jurisprudence mandates that even the appearance of partiality—absent actual bias or prejudice—necessitates recusal to foster trust in the judiciary's impartiality and integrity.

Moreover, the subsequent cases—United States v. Gigax, 605 F.2d 507 (1979); Potashnick v. Port City Constr. Co., 609 F.2d 1101 (1980); and others—have further refined the objective standard for recusal, emphasizing that the judge's personal belief in their impartiality is irrelevant if a reasonable observer, apprised of all the facts, would question their impartiality.

### B. Spoliation and Procedural Irregularities

The foundation of our justice system rests on its ability to administer justice with fairness and impartiality. Yet, specific instances of spoliation and procedural irregularities under the oversight of Chief Justice Roberts compel us to call for an in-depth investigation and, where necessary, recusal to safeguard the judiciary's integrity.

#### DC Circuit: The Nation's Capital

Within the DC Circuit, Martin Akerman's ongoing legal battle, particularly in case 23-cv-02574, underscores pressing issues of procedural irregularities and evidence spoliation that directly impact judicial fairness. These matters not only compromise the litigant's capacity to fully argue his case but also diminish public trust in the judiciary's impartial justice delivery.

#### Fourth Circuit: Virginia and Maryland

Akerman's appeal, filed under case numbers No. 22-2154, No. 22-2147, and No. 22-2066(L) in the United

States Court of Appeals for the Fourth Circuit, contests decisions made in the United States District Court for the Eastern District of Virginia, under trial court case numbers 1:22-cv-00696-LMB-WEF and 1:22-cv-01258-LMB-WEF, against high-ranking officials of the Department of Defense and associated federal agencies, addressing significant procedural and judicial oversights in his case.

Martin Akerman's appeals underscore significant procedural oversights and legal missteps in the handling of his case by the Fourth Circuit, notably the spoliation of the docket and the magistrate judge's unfounded granting of extensions to defendants. These actions neglected Akerman's fundamental requests for default judgment, legal counsel, and permission to proceed in forma pauperis—each a cornerstone of equitable justice access. Particularly egregious was the denial of a 3-judge panel, a modern embodiment of Alexander Hamilton's "plurality of chancellors" principle, critical for ensuring fairness in cases with significant constitutional stakes. This refusal not only symbolizes a departure from procedural norms safeguarding against cruel and

unusual punishment as prescribed by the U.S. Code but also highlights the failure to acknowledge Akerman's rights to amend complaints, join parties, and seek class certification. Such procedural irregularities betray the foundational principles of judicial review and fairness, diverging from precedents on appealable orders, the treatment of pro se and in forma pauperis litigants, and Title VII issues, thereby also conflicting with the established stance of the Equal Employment Opportunity Commission.

In a documented instance of ex post facto law affecting legal proceedings, Martin Akerman highlighted two significant legal changes in his letter dated April 16, 2023, to the Clerk of the 4th Circuit regarding appeals 22-2066, 22-2147, and 22-2154. First, he noted the modification of the Local Rules for the Eastern District of Virginia on January 18, 2023, which clarified the appearance requirements for government counsel. This change directly impacted Akerman's claim for Default Judgment, urging consideration by a Grand Jury or court-appointed counsel. Secondly, Akerman addressed the implications of Public Law 117-286 enacted on December 27, 2022, which



redefined "Senior Employee" under 5 USC 13103. This law's amendment remedied the future application of Akerman's age discrimination claim by institutionalizing the "up-or-out" military culture as an objective standard. This culture, critiqued for mandating discharge of officers passed over for promotion, fundamentally supported Akerman's mixed motive claim of constructive termination and age discrimination in the District Court. Akerman requested the court to consider these legal changes in evaluating the appeals, suggesting they may necessitate further arguments or proceedings.

In addition to the documented instances of ex post facto law affecting his appeals, Martin Akerman also detailed an issue where the trial court refused to certify the record, file a petition for writ of habeas corpus, and notably rejected several of his filings. Among the filings dismissed by the court were a request for a stay and a Rule 60 motion, which Akerman cited for spoliation—a modern equivalent of a writ of error coram nobis. This refusal by the trial court to entertain these critical filings not only impeded Akerman's ability to seek redress but also

highlighted procedural barriers that could significantly influence the outcome of his case. Akerman's efforts to bring these procedural oversights to the court's attention underscore the challenges faced by litigants, particularly those representing themselves, in navigating the complexities of the legal system and ensuring that their claims are heard and duly considered, see 23A489.

Federal Circuit: The Administrative State

The Federal Circuit has observed similar challenges, especially highlighted by spoliation in the Merit Systems Protection Board (MSPB), such as the missing dockets DC-1221-22-0257-S-1 and DC-0752-22-0376-S-1, and the missapplication of law as evidenced in Supreme Court case 23A701.

The Federal Circuit's examination of cases involving the Merit Systems Protection Board (MSPB) and related administrative entities underlines the critical need for procedural justice and integrity within the legal process. These instances underscore the necessity of strict adherence to procedural norms to ensure the legal process remains untarnished and trustworthy. This need becomes even more pressing in light of the broader challenges posed by the executive branch's application of Chevron deference. This principle, while designed to grant agencies flexibility in interpreting ambiguous statutes, has been increasingly leveraged to justify broad and sometimes egregious interpretations of the law, leading to potentially unjust outcomes. Such practices not only challenge the balance of powers but also risk leaving

affected individuals, such as Martin Akerman, without adequate recourse. The Federal Circuit's role in navigating these issues is pivotal, emphasizing the importance of judicial vigilance in maintaining the integrity of administrative adjudication and ensuring that agency discretion does not overshadow fundamental rights and legal standards.

Court of Appeals for the Armed Forces

The Court of Appeals for the Armed Forces (CAAF) plays a crucial role in upholding the integrity of the military justice system, a domain where Akerman's experiences, particularly in case 23-623 concerning the State of Nevada, illustrate an alarming interplay of military authority and civilian law.<sup>1</sup>

This case sheds light on the alleged violation of the Posse Comitatus Act, highlighting a scenario where military assets were purportedly misused in a manner that encroaches upon civilian jurisdictions. Such actions, especially when aimed at retaliating against a whistleblower, present a stark example of the potential misuse of military authority to circumvent civilian legal protections and processes, see also 23M53, 23M52, 23-6709 and 23-6710.

The risk of such misuse is not merely theoretical but bears significant implications for the administration of

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<sup>1</sup> Appendix E serves to document and detail the request for an extension of time submitted to the Supreme Court of Nevada during a habeas corpus proceeding, as well as to provide proof that the insurance case, as referenced in the main document, was scheduled for a default judgment hearing.

justice and the protection of individual rights within the civilian sphere. In instances where military authority is leveraged to undermine civilian recourse, the foundational principles of justice and the rule of law are put to the test. This not only jeopardizes the rights of the individuals directly affected but also undermines public confidence in the impartiality and integrity of both the military and civilian justice systems.

The additional risk presented in cases like Akerman's, where an agency's actions implicate a violation of foundational legal norms such as the Posse Comitatus Act, cannot be overstated. This misuse of military authority to retaliate against a whistleblower, ostensibly leaving them without recourse through civilian channels, highlights a critical vulnerability in the legal framework designed to protect against such abuses. It underscores the urgent need for rigorous judicial oversight and the application of checks and balances to prevent the erosion of legal protections.

### C. Impact on the Administration of Justice

The instances of procedural irregularities, spoliation of evidence, and the alleged misuse of military authority in civilian matters, as discussed, not only undermine the rights of individuals like Martin Akerman but also erode public trust in the judicial system. The administration of justice relies on the perception and reality of impartiality, fairness, and the adherence to legal standards and procedural norms. When these foundational principles are perceived to be compromised, it not only affects the parties directly involved in the litigation but also impacts the broader public's confidence in the judiciary as a fair arbiter of disputes.

The specific concerns raised in this motion for recusal underscore the delicate balance that must be maintained between judicial discretion and the need for transparency and accountability. Instances where the judiciary's actions—or inactions—can be interpreted as favoring one party, or where the judicial process appears to be circumvented or manipulated, demand careful scrutiny.

#### D. Preservation of Public Confidence

The request for recusal is made in the spirit of preserving the highest standards of judicial conduct and ensuring public confidence in the integrity of the judiciary. The principles guiding recusal are designed to safeguard the judiciary from even the appearance of bias or partiality. In situations where the objective observer, informed of all the circumstances, might reasonably question the impartiality of a judge, recusal serves as a vital mechanism to uphold the judiciary's reputation and the public's trust.

This motion, therefore, is not an assertion of actual bias or misconduct on the part of Chief Justice Roberts but is rooted in the broader concern for maintaining the judicial system's integrity. It is based on the premise that the judiciary must remain the cornerstone of democracy, where every individual can seek and expect justice without fear of prejudice or favoritism.




#### IV. CONCLUSION

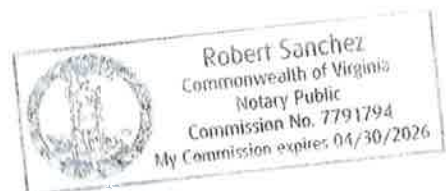
In the absence of any additional impropriety, the straightforward nature of the breach of legal insurance and bad faith suit (VASC cases 230684 and 230670) anticipates a return to the trial court for a decision on remand, potentially facilitating justice and addressing the remaining cases, with the benefit of legal counsel, across the mentioned circuits.

Considering the evidence and discussions brought forth, highlighting the critical need for public trust in the judiciary's impartiality, I, Martin Akerman, humbly seek Chief Justice John G. Roberts, Jr.'s consideration for recusal in the ongoing case with the Virginia State Corporation Commission, earnestly asking Chief Justice Roberts to weigh the broader implications of these issues on the judiciary's esteemed standing and the public's trust.

Respectfully Submitted Under Oath,

  
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 (202) 656 - 5601

County/City of Arlington  
 Commonwealth/State of Virginia  
 The foregoing instrument was acknowledged  
 before me this 19 day of Feb.  
2024, by Martin Akerman  
 (name of person seeking acknowledgment)  
 Notary Public Robert Sanchez  
 My Commission Expires: 30 April 2026



## RULE 33.2 CERTIFICATION

This supplemental brief complies with the format requirements of Supreme Court Rule 33.2 for documents presented on 8 1/2- by 11-inch paper. The document is stapled or bound at the upper left-hand corner.

This Motion complies with the type-volume limitation of Supreme Court Rule 33.2(b) as it contains 3754 words, which is within the 9000 word limit for an extraordinary motion.

The text of this supplemental brief has been prepared in a proportionally spaced typeface using Google Docs in Century, 12 point font size.

The original of this document is signed by the party proceeding pro se, under oath. Copies are produced on the same type of paper and are legible.

Dated and respectfully submitted, this 19th day of February, 2024.

County/City of Arlington  
 Commonwealth/State of Virginia  
 The foregoing instrument was acknowledged  
 before me this 19 day of Feb.  
2024 by  
Martin Akerman  
 (name of person seeking acknowledgment)  
 Notary Public  
 My Commission Expires: 30 April 2026

  
 Martin Akerman, Pro Se

