

No. 23-7072

Supreme Court, U.S.  
FILED

MAR 22 2024

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

MARTIN AKERMAN, PRO SE,  
APPLICANT

v.

GENERAL DANIEL HOKANSON,  
CHIEF OF THE NATIONAL GUARD BUREAU, ET AL,  
RESPONDENT

MOTION FOR DEFERRED CONSIDERATION

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MARCH 20, 2024

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**To the Honorable Justices of the Supreme Court:**

I, Martin Akerman, appearing pro se and in forma pauperis, hereby respectfully submit this Motion for Deferred Consideration of the attached Petition for a Writ of Certiorari. This request is predicated on the ongoing resolution of several collateral cases, which are intricately linked to the matters at hand and could significantly influence the judicial context and substance of the instant case.

Background and Request for Deferral:

The core issue before this Court involves my contestation against the National Guard Bureau regarding forced retirement, false arrest, and imprisonment, and a series of interconnected legal disputes across various jurisdictions and administrative bodies. These cases bear direct relevance to the legal questions presented in the current petition, warranting this Court's prudent deferral until such matters are adequately resolved.

The pending case under the Freedom of Information Act (case number 23-5309) in the United States Court of Appeals for the District of Columbia is of paramount importance. This case could reveal critical information and documents that are vital for the comprehensive understanding and resolution of the petitioner's claims.

### Service and Engagement of Relevant Parties:

In the quest for deferred consideration, the engagement of the correct parties within the allotted time frames is paramount to ensure that all stakeholders are adequately informed and have the opportunity to respond or participate as necessary. This process not only aligns with procedural requisites but also enhances the integrity and comprehensiveness of the judicial review.

**Service on the United States Government:** The Solicitor General of the United States will be served in compliance with Rule 29.4(a), reflecting the direct involvement of the United States Government in the proceedings. This ensures that the government is duly notified and has the opportunity to engage in the process, offering its perspective and arguments in response to the matters at hand.

**Engagement with Congress as Amici Curiae:** The engagement of specific congressional committees, as mandated by 44 U.S.C. § 3520(f), is critical to ensure that legislative interests and insights are considered in the Court's deliberation. By informing and involving the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform, the process acknowledges the legislative

oversight and interest in the case, particularly concerning issues of transparency, accountability, and federal employee rights.

**Service on State Officials:** The service executed on the Governors and Attorneys General of Arizona, Arkansas, and Nevada, as dictated by Supreme Court Rule 17, is crucial for ensuring that all relevant state-level stakeholders are informed and can contribute to the proceedings, especially given the case's potential implications for state military actions and the exercise of the Court's original jurisdiction.

The petitioner's engagement with Senator Tim Kaine and the legislative responses, including the enactment of Public Law 117-103, are significant. These interactions and legislative developments underscore the case's importance and the legislative branch's vested interest in its outcomes, particularly regarding federal employee rights and procedural protections. The legislative actions taken, reflective of the case's broader implications, suggest that a deferred consideration is warranted. Such a delay would enable the integration of legislative insights and the implications of new legal frameworks into the Supreme Court's review, ensuring a decision that is both informed and aligned with the evolving legal and policy landscape.

Collateral Cases and Their Significance:

**1. Merit Systems Protection Board Case DC-3443-22-0639-I-1:**

The application to stay the mandate in the Federal Circuit (docket No. 23A701) has direct implications for the case pending before the Merit Systems Protection Board (case DC-3443-22-0639-I-1). With the Federal Circuit's denial to stay the mandate, the case returns to the MSPB for a Petition for Review under 50 U.S.C. § 3341(j)(8). This development is crucial as it pertains to the procedural and substantive aspects of the petitioner's legal battle, especially concerning employment and compensation issues. Deferred consideration by the Supreme Court would allow for the MSPB's review process to unfold, potentially providing additional insights and resolutions that are directly relevant to the matters before the Court.

**2. Merit Systems Protection Board Cases DC-0752-23-0457-I-1**

**and DC-844E-24-0359-I-1:** are pivotal as they address my grievances with employment and compensation, directly impacting the arguments made in the instant petition. The outcomes of these cases could provide essential context and legal grounding for the issues presented to this Court.

**3. Freedom of Information Act (FOIA) Case in the District of**

**Columbia:** The pending case under the Freedom of Information Act (case number 23-5309) in the United States Court of Appeals for the District of Columbia is of paramount importance. This case could reveal critical information and documents that are vital for the comprehensive understanding and resolution of the petitioner's claims. The outcome of this FOIA case may have a significant impact on the petitioner's ability to present a fully informed and substantiated case to the Supreme Court. The relevance of this case to the broader issues at hand highlights the necessity for deferred consideration, ensuring that all pertinent information is accessible and considered before a final decision is made.

**4. Supreme Court Case Nos. 23-6814 & 23-6815:** The cases numbered 23-6814 & 23-6815 before the Supreme Court are pivotal, as they delve into the issue of Breach of Legal Insurance, a subject that is intricately linked to the procedural and substantive rights of the applicant, who is appearing pro se in these proceedings. These cases epitomize a crucial aspect of legal representation and access to justice, especially for individuals navigating the legal system without formal legal representation.

5. **Supreme Court Case No. 23-6710:** The challenge in the United States Court of Appeals for the District of Columbia (Case No. 0:23-cvus-01268) concerns the petitioner's alleged designation as an enemy combatant, a status that purportedly suspends the right to habeas corpus under 28 U.S.C. § 2241(e). This case is integral to Supreme Court Case No. 23-6710 as it addresses fundamental questions about individual rights and liberties, especially concerning the writ of habeas corpus, a cornerstone of legal protection against unlawful detention. The pending petitions from the United States Court of Appeals for the Armed Forces and the Federal Circuit (23A593 and 23A539) are pivotal as they may provide additional legal context and precedential value that could influence the outcome of Supreme Court Case No. 23-6710.

Respectfully, this Motion for Deferred Consideration is submitted to enable a thorough and judicious review of all interconnected legal matters that bear upon this Court's deliberation in the instant case. The interrelated nature of the FOIA case, MSPB proceedings, and significant legislative interactions, alongside the overarching issues in related Supreme Court cases, underscores the necessity for a comprehensive and informed approach to adjudication.

#### Legal Rationale for Deferred Consideration:

The intricate interplay of these cases presents a unique scenario where the Court's decision could be significantly enhanced by the resolution or progression of related matters. Deferred consideration would afford the Court the benefit of a more complete record, ensuring that all relevant legal, procedural, and evidentiary aspects are fully considered. This approach aligns with the principles of judicial economy and procedural fairness, ensuring that the Court's resources are utilized efficiently while upholding the right to a fair and comprehensive judicial process.

#### Impact on Judicial Economy and Administration of Justice:

Granting this motion would not only conserve judicial resources by potentially obviating the need for future related proceedings but also ensure consistency and coherence in the judiciary's approach to the intertwined legal issues at stake. It embodies a commitment to a thorough and informed judicial process, recognizing the interconnectedness of legal proceedings and their cumulative impact on the administration of justice.




**Conclusion:**

Given the complexity and interrelated nature of the legal issues and proceedings outlined herein, I respectfully urge the Court to grant this Motion for Deferred Consideration. Such a decision would enable a more informed and holistic adjudication of the matters before the Court, reflecting a judicious synthesis of all pertinent legal, procedural, and evidentiary considerations. This approach not only serves the interests of the petitioner but also upholds the broader principles of justice and judicial efficiency.

Thank you for your consideration.

Respectfully Submitted,



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CERTIFICATE OF COMPLIANCE WITH SUPREME COURT RULE 33.1

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It is hereby certified that this MOTION complies with Supreme Court Rule 33.1. The Courier Font is presented double-spaced and the text is black on 8.5- by 11-inch white paper, stapled at the upper left-hand corner, with no indented quotations.

The Word Count is 1,341 which is under the limit for this type of MOTION.

Respectfully Submitted,



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