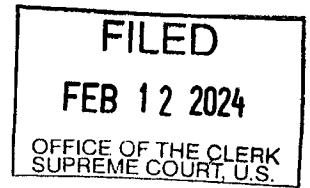


23 - 7228
No



IN THE
SUPREME COURT OF THE UNITED STATES

JIMMY D. WOODS, Pro Se - PETITIONER

VS.

KRIS MAYES, ARIZONA STATE ATTORNEY GENERAL – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. Whether under Article III Sect. 2. The judicial Power extends to all Cases, in Law and Equity, arising under the Constitution, Laws of the United States, and the United States government are a party.
2. Whether under Article XIV. Section 1.; petitioner's rights of Due Process of Law and Equal Protections of the Laws were violated by state officials.
3. Whether Article VI. Clause 2., (Supremacy Clause) removes the possibility of all state action being taken in complete absence of all jurisdictions.
4. Whether petitioner has a right under Fed. Rules Civ. Proc. Rule 60(b)(4), when a court lacked jurisdiction of the subject matter, and parties, denied due process, therefore the issuing court's judgment is VOID.
5. Whether the petitioner rights under Article IV Section 2. Section 3.2. Const. were denied by defendants prior to state court judgment.
6. Whether the petitioner's rights a (veteran) under (38 U.S.C. 5301(a), (38 U.S.C 511(a), does in fact jurisdictionally prohibit all state court orders (equitable or legal) and all such orders are preempted.
7. Whether 5th Amend. ruling of due process violations, Board of Veterans Appeals, should have also included deny equal protection under the laws.
8. Whether the petitioner is entitled to monetary damages for civil rights violation by state officials under 18 U.S.C. 241; 242, 245. (42 U.S.C. 1983)
9. Whether the petitioner is entitled to monetary damages under (42 U.S.C. 1983) claim for constitutional rights violations and federal law violations by federal officials acting along the side of state officers.

LIST OF PARTIES UNDER RULE 12.6.

Party not on the caption of the cover page before this Court, the Arizona Superior Court judgment, which is the subject of this Petition.

RELATED CASES

There are no other Superior Court cases, in a State of the United States, directly related to this case before the Supreme Court of the United States.

RULE 29. 4.(b).

When in this Court proceeding in which the constitutionality of an Act of Congress affecting the public interest is drawn into question, 28 U.S.C. 2403(a), may apply and be served on Solicitor General, United States, Room 5616, Dept. of Justice, 950 Pennsylvania Ave., N.W. Washington, D.C. 20530-0001. The petitioner was not able to locate any document to validate that prior to the Superior Court proceedings, pursuant to 28 U.S.C. 2403(a), that was certified to the Office of United States Attorney General, of the fact that the constitutionality of an Act of Congress was drawn into question, and to allow the United States to intervene in the Superior court case where the constitutionality of state laws is challenged and to present evidence and argument in defense of Federal law. (Title 38 U.S.C.) VA Disability Benefits, (5 U.S.C. 8101 et seq.) Federal Workers Compensation Act. (FECA).

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APPENDIX D. THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA; D.C. No.2:23-cv-00681-PHX-DLR (DMF).
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APPENDIX F. See: State Court trial transcripts (1) TESTIMONY by the VA Inspector General, (2) TESTIMONY by POST OFFICE. INSP., (3) TESTIMONY by EMPL, San Francisco Ofc. (OWCP), the petitioner VA files, Dept. of Labor files submitted in state court violating petitioner Federal rights under, Title 38 USC 511, 38 USC 5301, (CFR) Title 20 Employee's Benefits, 5 USC 8101 Federal Workers Compensation Benefits. (4) State violations of Constitutional Rights, Article XIV. Sect 1. Sect.5. Article III, 2., Article IV. 2.1, 3.2. see State Memorandum.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 21 Nov 2023.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
S

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.
S

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was Jul 29 2008.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
S

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.
S

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Supreme court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

STATEMENT OF THE CASE

Now comes petitioner jimmy woods pro se, respectfully petitions the Court for a Writ of Certiorari, for review of a Superior Court judgment, State of Arizona Maricopa County, the petitioner a Veteran, Federal employee, was found guilty of two counts of theft and fraudulent schemes and artifices in a jury trial. There's no other case law or legal precedent in a State court of the United States, to guide Arizona State officials to pursue criminal charges against a veteran for golfing, under Title 38 USC VA disability benefits, and 5 USC 8101, Fed. Employee Comp. Act. The Court has made it clear the ADA statute is intended as a response to what Congress identified as a clear and comprehensive national mandate to eliminate discrimination against disabled veterans under Title 38, the ADA right of access to public accommodations a golf course. (PGA v. Martin, 552 U.S. 661, 615 (2001) (42 U.S.C. 12182(a)). Under Federal law, which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgment and orders are regarded as nullities. (Fed. Rules Civ. Proc. Rule 60(b)(4).

REASONS FOR GRANTING THE PETITION

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. (Article III. Section 1). Where a statute of the United States is drawn in question or where the validity of a state statute is drawn in question on the ground of it being repugnant to the United States Constitution, or Laws of the United States, to Controversies to which the United States is a party, and trial of alleged federal crimes. (Article III. Section 2). The federal district court would

have original subject matter jurisdiction of offences against laws of the United States. (18 USC 3231), (38 CFR 3.901), (18 USC 1920). There is no question that Superior Court of Arizona exceeded its jurisdiction and authority in this case, under Title 38 USC 511(a); VA disability benefits are protected by affirmative and positive federal legislation. See: 38 USC 5301(a)(1). Federal Rights violations: 38 USC 511 establishes a Right to the complete Privacy of every VA claim file. States have no jurisdiction to use the information, therefore no jurisdiction to probe the file. Also 38 USC 511 establishes a Right to protection from review of the fact of Disability established by VA decisions. Fed. Rules Civ. Proc., (Rule 60 (b)(4), (28 U.S.G.A.). The Veterans for Common Sense *supra* (38 U.S.C. 511), dictates that the Board of Veterans Appeals, and the VA makes the ultimate decision on claims for benefits therefore provides one and only one, reviewing body. *Moore v. Peake*, 2008 US App Vet. Claims Lexis 1640 (2008). See: *Slaughter-House Cases*, 16 Wall. 36 (1873), also *McDonald v. Chicago*, 561 U.S. 742, 850, n. 19 (2010).

The Post Office, VA, issued directives to state officers asking them to address this situation under state law and requested state officers to administer or enforce a federal regulatory matter in Superior court, rather than Federal court. Such commands by federal government officials are fundamentally incompatible with our constitutional system of dual sovereignty. Veterans Judicial Review Act. *Mack v. U.S.* 07-27-97. Justice Antonin Scalia. The VA, a government agency acting in the color of federal authority violated petitioner federal rights under Title 38 USC, (1) denied 5th. Amend. due process of law, denied equal protection under the laws, (2) violated rights under 38 USC 5301, from assignment or attachment by any legal or equitable process whatever, (3) violated rights under

38 USC 511, which are protected by expressed preemption of state court jurisdiction to review any part of VA decisions or undermine the authority of the Secretary of Veterans Affairs,; (4) violated rights under 38 USC 511, for privacy of petitioner VA medical records, 38 USC 7332, also violate rights established by the ADA, 42 USC 12101, and HIPAA, (5) testimony by VA personnel as witnesses had to be ordered by the court of competent jurisdiction (federal court), (38 C.F.R. 14.802), The Federal Circuit's rule has the added virtue of giving the VA a strong incentive to comply with notice obligations, that go to very essence of the non-adversarial pro-claimant nature of the VA adjudication system. Shinseki v. Sanders, 556 US 1 (2009). The VA is bound by its own regulations and are not free to ignore those regulations. See 38 U.S.C. 7104(A)(C). Federal officials can also be sued in federal court despite any statutory basis, or when they acted alongside state officials in the state case. (42 U.S.C.1983).

The Supremacy Clause, federal preemption removes the possibility of all state jurisdiction, the Clause removes every conflict between state and federal law. Res Judicata and Laches do not apply because there is no Statute of Limitations on violations of rights protected federal preemption and positive law. Traynor v. Turnage, 485 U.S. 535 (1988), The Congress passed the Veterans Judicial Act. (VJRA) Pub L. 100-687 (1988), making it clear that Title 38 U.S.C. 5301(a), VA disability benefits are exempt from state jurisdiction. See U.S. v. Oregon, 366 US 643, 648-649, 81 S. Ct. 31, 1278 (1961). As this Court has recognized the doctrine of primary jurisdiction applies to federal agencies that have been tasked with exercising the full scope of Congress enumerated powers under the Constitution. The U.S Congress excluded the state courts from second guessing the VA's individual benefits determinations and subsequent adjudications, these

decisions are deemed by Congress within the exclusive jurisdiction of the VA and a state court judgment is vulnerable to any manner of collateral attack. Fed. R. Civ. Proc. 60 (b)(4). Fitts v. Krugh, Supreme Court of Michigan, 92 N.W.2d 604, (10/13/58). Federal preemption goes to the subject matter jurisdiction of the state courts because where federal preemption applies, the Federal Govt. has retained its sovereign authority over this issue before the Court. Whether the state actors did knowingly and willfully use fraud during the proceeding to hide the clear and unmistakable federal preemption expressed and implied by positive law federal statutes, thereby to hide the de facto violation of federal rights in the complete absence of all jurisdictions. These actions of state officers are in violation of my right to protection from review of my VA decisions established by **FEDERAL PREEMPTION OF STATE JURISDICTION** explicitly expressed by Congress in 38 USC 511. The violations of Civil Rights Statutes (Conspiracy Against Rights) (1) Title 18 U.S.C. Section 241, its unlawful for two or more persons to conspire to injury, deny enjoyment of any right, or privilege secured to him in the Constitution, or Federal law. (2) Title 18 U.S.C. Section 242, it's a crime for someone acting under color of law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. (3) Title 18 U.S.C. 245-Federal protected activities, (1)(b). participating in or enjoying any benefit, service, privilege, program administered by the United States. 1 (e) or activity receiving Federal financial assistance; Part 2. rights to public accommodations (golf course); Part 3. Prohibits interference by force of a class of person from participating, while affording the others opportunities.

IN CONCLUSION

IN this case the petitioner, does have standing to sue in the federal court, because he suffered a concrete particularized and actual imminent injuries by state defendant who intimidate him, humiliate him, threatening him with incarceration and contempt. The defendants' actions were deliberate disregard of an unjustifiably substantial risk of significant harm to the plaintiff in the state case. Which was caused by state defendants conduct and is redressable by a favorable decision of this Court. The Court, in an opinion by Justice Brennan, lay down a rule that it will infer a private right of action for money damages where no other federal remedy is provided for the vindication of a constitutional right, based on the principle that for every wrong there's a remedy. The Court reasoned based upon a presumption that where a violation of a right, the plaintiff can recover whatever he could recover under any civil action, and Justice Harlan concurring that federal courts have the power to award damages for violations of constitutionally protected interest. See: Carlson v. Green, 446 U.S. 14 (1980). The petitioner seeks 10 million dollars from State of Arizona, 14th Amend. rights violated, 18 U.S.C. 241, 242, 245 violations. (42 U.S.C. 1983) 10 million dollars from Federal Govt. agency for violations of Federal laws, Constitutional violations, a (1983), acting along the side of state officers. Asking the Court to restore my rights to VA benefits, Fed. Workers Comp. benefits, from date of their Termination, and the rights to ADA/HIPPA protection, and Void of Arizona Superior Court judgment under the (Fed. R. Civ. Proc. Rule 60 (b)(4).

WHEREFORE, petitioner prays for a writ of certiorari to be granted by this Court.

Respectfully submitted,

Date 12 FEB 24

12 FEB 24 Jimmy Woods