

No.

IN THE

**SUPREME COURT OF THE UNITED STATES**

JIMMY D. WOODS, Pro Se - PETITIONER

VS.

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

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**ON PETITION FOR A WRIT OF CERTIORARI TO**

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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**MOTION FOR LEAVE TO PROCEED AS A VETERAN**

The undersigned Petitioner Jimmy D. Woods, a veteran, hereby moves for leave to proceed in this matter before this Court without prepayment of fees or cost, pursuant to 38 U.S.C. 2022 and Supreme Court Rule 40, the petitioner veteran status is affirmed by attached affidavit or declaration.

**AFFIDAVIT OF VETERAN STATUS**

I, Jimmy D. Woods, solemnly affirm that I am an honorably discharged army veteran as defined by applicable law. I have served in the armed forces of the United States, and I am entitled to the VA benefits and exemptions granted to veterans. I declare under perjury that the information herein is true and accurate.

1. DD 214 (Honorable Discharge Record).
2. Board of Veteran Appeals Ruling, Appendix E.
3. Department of Veterans Affairs, Veterans Benefits Adm. Washington DC

**RELIEF REQUESTED**

The petitioner respectfully requests that the Court grant leave to proceed as a veteran, waive any fees or cost associated with this case, and allow the attached motion to precede and be attached to the Petition for a Writ of Certiorari, or any other substantive document filed by the veteran.

Respectfully Submitted:

Jimmy D. Woods, 7138 N. 45<sup>th</sup>. Ave. Apt C 122, Glendale, Az. 85301

*Jimmy D. Woods*

DD FORM 1 JUL 79 214		EDITIONS OF THIS, ARE OBSOLETE.		DATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY	
1. NAME (Last, first, middle) <b>WOODS JERRY O</b>		2. DEPARTMENT, COMPONENT AND BRANCH <b>AMST/BA</b>		3. SOCIAL SECURITY NO. <b>[REDACTED]</b>	
4a. GRADE, RATE OR RANK <b>SP4</b>	4b. PAY GRADE <b>E-4</b>	5. DATE OF BIRTH <b>471217</b>	6. PLACE OF ENTRY INTO ACTIVE DUTY <b>Indianapolis IN</b>		
7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND <b>Stu Co 7ANC Aurora CO</b>			8. STATION WHERE SEPARATED <b>Pittsious AMC Aurora CO</b>		
9. COMMAND TO WHICH TRANSFERRED <b>BA</b>			10. SGU COVERAGE AMOUNT \$ <b>35</b> 000 <input type="checkbox"/> NONE		
11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years)  <b>64C10 Motor Transport Operator 2 yrs &amp; 6 mos</b>			12. RECORD OF SERVICE		
			a. Date Entered AD This Period		
			b. Separation Date This Period		
			c. Net Active Service This Period		
			d. Total Prior Active Service		
			e. Total Prior Inactive Service		
			f. Foreign Service		
			g. Sea Service		
			h. Effective Date of Pay Grade		
i. Reserve Oblig. Term. Date					
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) <b>Marksmen Badge w/Rifle Bar (M-16)</b>			<b>BEST IMAGE AVAILABLE</b>		
14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed) <b>Motor Transport Operator Course 5 wks Nov 79</b>					
15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. HIGH SCHOOL GRADUATE OR EQUIVALENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		17. DAYS ACCRUED LEAVE PAID <b>334</b>	
18. REMARKS <b>Immediate reenlistment this period: 790821 - 820224 "NOTHING FOLLOWS"</b>					
19. MAILING ADDRESS AFTER SEPARATION <b>1814 Cedar St (Madison) Anderson IN 46011</b>			20. MEMBER REQUESTS COPY 6 BE SENT TO <b>IN</b> DIR. OF VET AFFAIRS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
21. SIGNATURE OF MEMBER BEING SEPARATED <b>[Signature]</b>		22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN <b>MICHAEL P. KOCHER, CPT, MSG, Asst Chief NPD</b>			
23. TYPE OF SEPARATION <b>Discharge</b>					
24. CHARACTER OF SERVICE (Includes upgrades) <b>HONORABLE</b>					
25. NARRATIVE REASON FOR SEPARATION <b>Unfulfilled or erroneous enlistment commitments</b>					
26. DATES OF TIME LOST DURING THIS PERIOD <b>None</b>			27. MEMBER REQUESTS COPY 4 <b>[Signature]</b> INITIALS		



DEPARTMENT OF VETERANS AFFAIRS  
Veterans Benefits Administration  
Washington DC 20420

MAR 05 2008

Director (00/21)  
VA Regional Office  
Phoenix, AZ

In Reply Refer To:

211B

~~XXXXXXXXXX~~  
WOODS, Jimmy D.

SUBJECT: Administrative Review

The veteran's claims folder was referred to this Service for completion of a Statement of the Case (SOC) following the receipt of a Notice of Disagreement with termination of benefits due to presentation of false and fraudulent statements.

Our review of the claims folder indicates that the veteran has been service-connected for arthritis of both knees and tendonitis of the left shoulder at the 40 percent rate since 1994, and the 60 percent rate effective May 2003.

The case was referred to the Department of Veterans Affairs Office of Inspector General (OIG) by the United States Postal Inspection Service alleging that the veteran submitted false claims to the Department of Veterans Affairs in order to obtain disability benefits.

On August 21, 2006, a jury found the veteran guilty in the Superior Court of Arizona of two counts of theft, two counts of fraudulent schemes and artifices and two counts of felony. The veteran was sentenced to seven years probation and ordered to pay restitution to the VA. The OIG requested that the Phoenix VA Regional Office terminate the veteran's disability compensation. On February 15, 2007, the veteran was informed that his benefits were terminated. He submitted a Notice of Disagreement with the decision and requested a hearing with the Decision Review Officer stating that he was wrongfully charged.

This Service finds that the veteran should be scheduled for a hearing, an SOC prepared, and he should be informed of his appellate rights. This Service is unable to prepare an SOC in this case, as after September 1, 1959, the provisions of 38, United States Code, Section 6103(a) do not apply to individuals who are residents of the United States. As such this is not a case where forfeiture of benefits is involved. ★

*[Signature]*  
fw

Bradley G. Mayes  
Director

Compensation and Pension Service

TO ACCOMPANY FOLDER

*Reply to DO's memo to CD (211B) dated 8-15-07.  
Appeal Review, VAOLIS reactivated,  
VAOLIS diary updated, 19 Jul 08*