

CASE NUMBER 24-5342 HABEAS CORPUS

IN THE
SUPREME COURT OF THE UNITED STATES

RICHARD J. RAMSEY PETITIONER PRO-SE

V.

U.S. ARMY JUDGE ADVOCATE GENERAL
U.S. COURT OF APPEALS FOR THE ARMED FORCES

RESPONDENTS

ON PETITION FOR WRIT OF HABEAS CORPUS TO THE
U.S. COURT OF APPEALS FOR THE ARMED FORCES AND ARMY J.A.G.

PETITION FOR REHEARING PURSUANT TO RULE 44

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HISTORY

On about 13, 17, 20, 22, 27 MAY 2024 and on 4 JUNE 2024 I filed several petitions to the (U.S court of appeals for the armed forces [here after CAAF] under the first amendment "redress of grievances". The court denied those request by saying they lacked jurisdiction. (see exhibit # A). Due to this denial I filed a writ of certiorari and a writ of habeas corpus with this court. See # 24-5051 and # 24-5342

According to rule 44, I submit this petition as "other substantial grounds not previously presented"

LAW/CASES

IN **MOORE V. AKINS** 30 MILITARY JOURNAL (MJ) 249 (CMA/CAAF 1980)
"THE COURT HELD ARTICLE 76 IS NOT A BAR TO OUR CONSIDERATION OF HIS PETITION

FISCHER V. COMMANDER 56 MJ 691 (NCMR 2001) COURT HELD IT HAD JURISDICTION UNDER ALL WRITS ACT TO CONSIDER SERVICEMEMBERS PETITION FOR WRIT OF HABEAS CORPUS, ERROR CORAM NOBIS ALL THOUGH DIRECT REVIEW OF HIS COURT MARTIAL WAS COMPLETED IN 1993.

SISSON V. U.S. 630 F. SUPP 1026 (D. ARZ 1986) THE SUPREME COURT HELD " THAT CONSTITUTIONAL CLAIMS COULD BE PRESENTED TO CIVIL COURTS NOT WITHSTANDING ARTICLE 76 [FINALITY OF CONVICTION]

SCHLESINGER V. COUNCILMAN 420 U.S. 738, 95 S.CT 1300, 43 L.ED 2D 591
(1975) AT 420 U.S. 738-753 "ARTICLE 76 DOES NOT STAND AS A
JURISDICTIONAL BAR TO COUNCILMAN SUIT". AT PAGE 748-753 "
ARTICLE 76 DOES NOT DEPRIVE FEDERAL COURTS OF JURISDICTION
OVER CHALLENGES TO COURT MARTIAL PROCEEDINGS

COUNCILMAN 340 U.S. AT 340 U.S.132-133 "HABEAS CORPUS REMAINS
AVAILABLE DESPITE THE MANDATE OF ARTICLE 76" AT PAGE 420 U.S. 762
"ARTICLE 76 UCMJ DOES NOT LIMIT THE JURISDICTION OF FEDERAL
CIVIL COURTS TO HABEAS CORPUS REVIEW OF COURT MARTIAL
CONVICTIONS.

28 U.S.C. 1651" ALL WRITS ACT AUTHORIZES ALL COURTS ESTABLISHED
BY ACTS OF CONGRESS TO ISSUE ALL WRITS NECESSARY OR APPROPRIATE
IN AID OF THERE RESPECTIVE JURISDICTION.

Habeas Corpus has been the normal way of obtaining collateral review of
convictions by military tribunals.....see :REED V. COVERT 345 U.S. 1; BURNS V.
WILSON 346 U.S. 137,..WHELCHER V. MCDONALD 340 U.S. 122

U.S. V. FRISCHHOLZ, 16 USCMA 150, 151, 36 CMR 306, 307 (1966) "ARTICLE
76 DOES NOT INSULATE A CONVICTION FROM SUBSEQUENT ATTACK IN
APPROPRIATE FORUM.

The Supreme court denied my extraordinary writs (on 7 October 2024-) By respondents order (see ex A) They claimed my case was final and they lacked jurisdiction, On my first amendment right to petition the Government for a re-dress of grievances. (SEE EX A), This being ARTICLE 76. Knowing the rulings in the submitted cases... the {U.S. COURT OF APPEALS FOR THE ARMED FORCES {CAAF) LIED TO PETITIONER. Rulings from (CAAF) and the Supreme court hold ARTICLE 76 doesn't prevent an extraordinary writ by petitioner and the civilian courts have jurisdiction to hear my grievances pursuant to 1st amendment petition for redress of grievance and provide relief.

The (CAAF/CMA), respondents have jurisdiction; they reviewed my grievances and claimed not to have jurisdiction. They must have some jurisdiction in order to review my (1st amendment petitions) and say they have no jurisdiction. It's clear they do not want to grant extraordinary relief, when the judge stated I have a constitutional right to court martial; when no right exist in the constitution. I somehow waived a right that I do not have under ARTICLE 3, sec 2, cl 3, or the 6th amendment. See habeas corpus and or certiorari IN FISCHER V. COMMANDER 56 MJ 691 (NCMR), although not the (CAAF/CMA) this NAVY court claimed to have jurisdiction approximately 8 years after his direct review was completed. The (CAAF) also follows the ALL WRITS ACT" ...IF CAAF does not want to grant me relief, then it's up to civilian courts to do this.

CONCLUSION

With these newly discovered cases, this warrants a new decision by the supreme court, by way of a rehearing and granting of relief on his habeas corpus 24-5342 and or certiorari 24-5051. This court, based upon these cases and the writ's should at the least rehear petitioners writ (question #3), and issue an order directing the (CAAF) it has jurisdiction and award some relief...The JUDGE lied and committed a fraud (securing my conviction by waiver of rights, when I do not have a constitutional right to jury trial or court martial by saying my right to a general court-martial is constitutional. Somehow I waived a right which I don't have When there is no general court-martial right in the CONSTITUTION. Article 3, sec 2, cl 3, and 6th amendment jury trial rights do not apply to the military. FURTHER, my writ's questions whether or not the 6th amendment granted a jury trial right and or did it secure only IMPARTIALITY....see habeas corpus case # 24-5342 This court should order them to respond to my writ of habeas corpus.

REASON FOR GRANTING REHEARING

According to rule 44 (2) grounds for a rehearing is limited to.....other substantial grounds not previously presented.

The grounds for rehearing of this habeas corpus (24-5342) is limited to question 3 of the habeas corpus.

Grounds are (1) since the 21 october 2024 petitioner has came across several cases which the courts (military and us supreme court) both hold ARTICLE 76 (finality of conviction) is not a bar for consideration of his petition. In MOORE v. AKINS 30 military justice 249 (CMA/CAAF 1980) "Article 76 is not a bar to our consideration of his petition".

Ground (2) SCHLESINGER V. COUNCILMAN 420 us 738, 95 Sct 1300, 43 L.ED 2D 591 (1975). The supreme court held Article 76 does not stand as a jurisdictional bar to councilman suit....at page 748-753 "Article 76 does not deprive federal court of jurisdiction over challenges to court martial proceedings...counsel man at 340 us 132-133.

Ground (3) In FISCHER v. COMMANDER 56 MJ 691 (NCMR 1993)..The court claimed to have jurisdiction even though direct review was completed 8 years earlier.

Ground (4) Further in US v. FRISCHHOLZ 16 USCMA 150, 151, 36 CMR 306, 307 (1966) " Article 76 does not insulate a conviction from Subsequent attack in appropriate forum.

Its clear the respondents (CAAF) US court of appeals for the armed forces, has jurisdiction by the military own case law. They lied on there order (see ex A) saying they have no jurisdiction. “ they state petitioner case is final and they therefore lack jurisdiction, to hear and grant relief. The respondents are lying to petitioner and to the Supreme court.

Respondents are lying to cover up for the military judge and past members of the army court and us military court of appeals for the armed forces.

It's clear: 1 the judge doesn't know that the court martial is not a constitutional right 2. He gave incorrect advice of rights to be waived. 3 General court martials do not fall under Article 3, sec 2, cl 3 and or the 6th amendment. 4. This non constitutional right is being used to waive other constitutional rights. 5 How the (ACCA) and (CAAF) both ruled (back in 1997-1998) that my case is correct -n-law and fact. When the judge lied to petitioner as to what right I have.

5. It's clear they, respondents, have jurisdiction and choose to lie to petitioner to cover up this error by the judge, and which was over looked by the military courts. We as military due not have an article 3, sec 2, cl 3, or 6th amendment right to a general court martial...(see writ of habeas corpus 24-5342). There is no telling how many cases that judge PANGBURN, stated the incorrect law and the service courts over looked.

These cases are substantial grounds which was not previously presented (rule 44 supreme court rules). I guess me being pro-se, entitles the respondents to lie to me about whether they have jurisdiction or not. These cases warrant a new hearing as

to question 3 whether the (CAAF) has jurisdiction. It would be highly unfair to allow the respondents to lie to petitioner and this court. Saying they do not have jurisdiction.

Wherefore petitioner prays for this court to rehear his writ of habeas corpus and or at least rehear question 3 on his habeas corpus.

RESPECTIVELY SUBMITTED

A handwritten signature in blue ink, reading "Richard J. Ramsey", is written over a horizontal line.

RICHARD J. RAMSEY

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United States Court of Appeals
for the Armed Forces
Washington, D.C.

In re
Richard J.
Ramsey

USCA Dkt. No. 24-0164/AR

DOCKETING NOTICE
and
ORDER

Notice is hereby given that several letters presenting a variety of pro se requests were received on May 13, 17, 20, 22, and 29, 2024, and June 4, 2024, and placed on the docket this 17th day of June, 2024. Petitioner's court-martial is final for all purposes, and this Court therefore lacks jurisdiction to hear his requests. We also note that Petitioner has repeatedly burdened this Court with various filings over the last 26 years. Therefore, on consideration thereof, it is, by the Court, this 17th day of June, 2024,

ORDERED:

That said requests are hereby dismissed for lack of jurisdiction; and

That, absent extraordinary circumstances, further filings will be viewed with disfavor.

For the Court,

/s/ David A. Anderson
Deputy Clerk of the Court

cc: The Judge Advocate General of the Army
Petitioner (Pro Se)
Counsel for Respondent

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