

ORIGINAL

Docket Number:

SUPREME COURT OF THE UNITED STATES

Ron Waterman, ex-husband,

Petitioner pro se,

vs.

Robyn Waterman, ex-wife,

Respondent pro se,

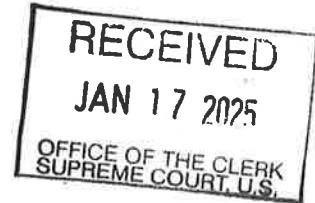
ON PETITION FOR WRIT OF CERTIORARI TO THE MASSACHUSETTS
SUPREME JUDICIAL COURT and COURT OF APPEALS

MOTION FOR LEAVE TO PROCEED ON PAPERS PREPARED AS REQUIRED
BY U.S. SUPREME COURT RULE 33.2, per U.S SUP. CT. RULE 40

Also Relying on RULE 14.5 (Compliance) and RULE 21(2)(c) (denial of Motion for Leave to File under Rule 33.2 means filing under Rule 33.1)

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Motion for Leave to Proceed under Rule 33.2 - 1



RELIEF SOUGHT

Petitioner Ron Waterman respectfully requests this Court to grant leave to file his Petition for Writ of Certiorari with papers prepared as required by U.S. Supreme Court Rule 33.2. See Rule 40 (Veterans, Seamen, Military Cases).

GROUNDS FOR RELIEF

U.S. Supreme Court Rule 40(1) allows veterans filing under any provision of law exempting veterans from the payment of fees or court costs to proceed and file petitions under Rule. 33.2.

38 U.S.C. § 4301(a)(3) avers that statute is intended to “prohibit discrimination against persons because of their service in the uniformed services.” 38 U.S.C. § 4303(2) defines the law's scope: “benefit ... means any advantage, profit, ... that accrues by reason of an employment contract ... and includes ... benefits under a pension plan ...”. 38 U.S.C. § 4323(h)(1) declares “No fees or court costs may be charged or taxed against any person claiming rights under this chapter.”

I claim rights under this chapter. Merits of this claim are unfortunately speculative, but the statute does not provide for an evaluation of the merits of such a claim; it only directs that no court costs may be charged if the person claims rights under this chapter.

This case involves a service member's pension being unlawfully seized by a state court in violation of that state's own laws on finality of judgments; by materially altering a judgment that had been final for over 20 years, in order to

garnish a service member's pension. The state court's discrimination is either founded in a strong distaste for the military, or a liberal bias against men, in favor of women; both common failings in Massachusetts Family Courts.

U.S. Supreme Court Rule 40(2) allows a seaman suing under 28 U.S.C. § 1916 to proceed without prepayment of costs or fees and to move for leave to proceed with Rule 33.2 briefs.

28 U.S.C. § 1916 reads, “In all courts of the United States, seamen may institute ... appeals in their own name and for their own benefit for wages ... without prepaying fees or costs ...”.

I was not a seaman, I was US Air Force. In 2023 the USAF had 5,213 active aircraft, while the US Navy had only 4,012 active aircraft. The Air Force and Navy are both branches of the US Department of Defense, with the same pay grades, pay rates, benefits, and both are governed by Title 10 U.S.C. .

The U.S. Const. Fourteenth Amendment provides that no State shall “deny to any person ... the equal protection of the laws.” Students Fair Adm. v. President Fellows Harvard, 600 U.S. 181, 143 S.Ct. 2141, 2148-49 (2023). “The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to (someone else).” Ibid., at 2150 (cite omitted). The “Fifth Amendment contains an equal protection component prohibiting the United States (e.g. US Sup. Ct.) from invidiously discriminating between individuals or groups (e.g. Air Force vs. Navy).

Washington v. Davis, 426 U.S. 229, 239 (1976). The Court has found that the Equal Protection Clause “is essentially a direction that all persons similarly situated should be treated alike.” Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 439 (1985) (citing Plyler v. Doe, 457 U.S. 202, 216 (1982)). The Court has also observed, “Our cases have recognized successful equal protection claims brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated...” Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000).

As a military veteran, I am “similarly situated” to other military veterans, whether they enlisted in the Air Force or the Navy.

AFFIDAVIT OF VETERAN STATUS

My name is Ron Waterman; I am petitioner pro se in this case. I was commissioned a 2nd Lieutenant in the US Air Force in 1985. See Appendix, at 56 (DD 214 Honorable Discharge). After over 20 years of military service, my Retirement Order from the US military issued in 2009. See Appendix to my Petition, at 57. These facts are true and correct under penalty of perjury of the United States of America.

Done on December 15, 2024 in Manati, Puerto Rico.



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