CASE NO.________________

IN THE

SUPREME COURT OF THE UNITED STATES

OUT OF THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CASE NO: 17-2271

DENNIS L. MAXBERRY,
PLAINTIFF/APPELLANT/PETITIONER

VS.

UNITED STATES,
DEFENDANT/RESPONDENT/APPELLEES

– – –

ON WRIT OF CERTIORARI

JUDICIAL STARE DOCTRINE PRO SE

(WITHOUT PRO BONO)

— — —

Submitted By Dennis L. Maxberry, Petitioner, Pro Se

QUESTIONS (S) PRESENTED

1. Is Statute of Limitation revival only allowed if NAACP is the representing party? Who is Politically capable of use of Informa pauperis and the Judicial Stare Doctrine which blocks a Pro Se Statute of Limitation revival due to Pro Bono conflict of interest? Wherefore only allottable (Conflict of Interest) to Administration or Legal Body of the Military by third parties capable of being hostile to the pauper of military kind to recover Pro Bono feasibility status?

Question

2. If Statute of Limitation Revival is allowed:

Is a Hostile take over of a Title VII Military Occupation allowed by arbitrary means against a protected class, and yet unprotected by the administration, or legal attachment of the military or a 10th Amendment collusion? Can a 3rd Party Advocate of the Military retain the Soldier without communicating with the Soldier that he has processed served him?

3. Does this 3rd Party (Ghost representatives) have title VII rights to the Petitioner's 6 year Statutes of Limitation waiver, by taking it from the mail?

4. Wherefore as to the same above three questions, since the petitioner is the only unrepresented military client (Quartermaster) is he entrapped to be the liability of the military's third party legal arrangement? SL should be revived and liability corrected, since it is an unelemented use of the Petitioner the Petitioner is entitled to pay.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is subject to this petition is as follows:

1.) United States Army Board of
Correction of Military Records
215 18th Street
South Arlington, VA 22202-3531

2.) Major Patrick McGrath,
Litigation Attorney Military Personnel Law Branch
United States Army Legal Services Agency
9275 Gunston Road, Ste 3000,
Fort Belvoir, VA

3.) Chad A Readler, Acting Assistant Attorney General;

4.) Robert E. Kirschman, Jr., Director;

5.) Deborah A. Bynum, Assistant Director ;

& a copy was sent to each above and one copy as well to the following:

6.) Jessical R. Toplin, Trial Attorney Commercial Litigation Civil Division U.S. Department of Justice P. O. Box 480 Ben Franklin Station Washington, D.C. 20044, Attorneys for the Defendant

7.) The United States of America Department of Justice;
Solicitor General at 950 Pennsylvania Ave., NW
Washington, DC 20530-0001.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

OPINION BELOW

A timely Appeal to the United States Court of Appeals for the Federal Circuit was filed. The Court mandated their opinion April 7th, 2018. Pursuant to the 6 Year Statutes of Limitation had ran. The opinion of the United States Court of Appeals for the Federal Circuit rehearing is March 29, 2018 is Appendix B. attached to the Petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals for the Federal Circuit decided their opinion is unreviewed because statutes of limitation was not revived. Due to the continued mail theft and stalking awareness of the and litigation service of NAACP and Veterans Service Offices.

A timely petition for rehearing was denied by the United States Court of Appeals for the Federal Circuit on the following date: March 29, 2018, and a copy of the order denying rehearing appears at Appendix A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Under Article III of the United States Constitution the Petitioner was a soldier under the 10th Amendment who was arbitrary attacked by the Military 3rd Party which is likely the NAACP and the Veterans Service Offices who would not aid him in seeking reviews of his discharge in a timely manner. The Petitioner's Administrative Record of which they are restricting the Petitioner from seeing although the Petitioner knows that he was discharged Honorably and asked to attend the Reserves but he could not because the third party had stolen all of his military property as they are saying it was legal. The Petitioner signed the Discharge if it was a contract it stated it would offer a waiver but did not, Petitioner applied for upgrade before statutes of limitation ran. The Petitioner continued to ask for correction of his dd214 which in 2016 he finally received a copy of a faulty Administrative Record sent and then took back. The petitioner during his terms in the military was never charged with anything and yet arbitrarily he felt he was being charged with many things due to the hostile environment caused by the 3rd Party of the Military's Legal and Administrative Departments who secretly took all of his Property Backpack gear, and boots, and other things under the administration of the Captain Hausch who seemed to be a Civil Administrative 3rd party.

The Petitioner filed an Appeal due to the dismissal of his Complaint in the United States Court of Claims for the Federal Circuit under 28 U.S.C. Section 1346 and 1491 stating that statutes of limitation never ran for him or that he should be allowed revival to the 6 year Statutes of Limitation due to the Contract the 3rd party set up with the Government that allowed them to interfere with the petitioner in whatever they may tactics of hostile harassment.

Wherefore, the 6 year Statutes of Limitation would be liquefied due to the statement the third party claims that it would be no way for the Petitioner to recover, and yet they have not closed the case in which the waiver to the Petitioner has never been received, or they have not yet sent the Petitioner the mail that they blocked from him. During the time in between the 6 year statutes of limitation that would be mounted to the second third and fourth years as stated in the Petitioner's Administrative record where the Respondent/Appellees state that the Petitioner D.L.M. requested correction to his record however, they denied them in hostile ways in order to survive where survival elsewhere was not possible. Which would make the only one not surviving was the Petitioner who now and has always asked for Monetary support from them for false persecution against him.

STATEMENT OF ISSUES

1.) The United States Court of Appeals for the Federal Circuit Opinion suggested that the Appellees are involved, and yet twice offered the Appellant/Petitioner a Waiver that the Petitioner never received due to use of no service process by the Appellees Third Party(possibly the NAACP).

2.) Under this suggestion is a ***possibility*** that there is a ***retainer Attorney*** that is supposed to be helping the Appellant/Petitioner that the Appellant/Petitioner don't know either or don't know exist (which completely changes the elemental concept) of the case to: lack of prosecution and Conflict of Interest by Military's Administration and Legal Administration without element or prosecution and use of hidden intervener issues (Record restrictions)

3.) The Petitioner's request was for correcting his dd214 due to his honorable discharge, and monetary support for the lack of prosecution allowed to the third party that blocked the process of service previously. Whose claim is that they have rights to Petitioner's Title VII rights that are rightfully the Petitioner's merits and due to their arbitral third party troop or (Unionized existence) they have intercepted the Waiver and Monetary Support of the Petitioner.

STATEMENT OF THE CASE

The Appellant/Petitioner joined the military at the age of 17 years old where his dad William Clay Maxberry signed the documentation allowing the Petitioner to join at 17. However, the document has been removed from the AR.

After, the Petitioner was supposed to graduate from High School at the age of 15 but received a total of 4 F's in one semester. He had to quit the school Lafayette Senior High School, or else he would not be allowed to return to the school, so he quit.

As a discipline the School a majority white American student school that bused (From 650 Charlotte Court, to 400 Reed Lane in Lexington, KY) as one of a few African American to attend; Lafayette Senior High they Punished the 15 year older, that he would either drop out of school, or get expelled but if he got expelled he wouldn't be allowed to get back into the same school.

The Petitioner quit and walked the streets of Lexington, Kentucky doing odds and end jobs up until he was 17 years of age, and he met with his Dad at 650 Charlotte Court and got the paperwork signed for him to join the military.

The Petitioner's Dad was not legitimate with him because he had put the family phone number bill, and the apartment's address in the 17 year old Petitioner's name and then later when their time was right presented it to the United States Army without the Petitioner's authorization to intercept income from the Petitioner causing equity upon the Petitioner's merits causing him to fail in his Constitutional Rights.

If this Court is able to handle the Petitioner's Administrative Record, they would see the what is restricted from the Petitioner's viewing and sent the Petitioner the wrong AR. The 6 year Statutes of Limitation is viable to be lifted if it isn't already because within 6 years after the Petitioner's discharge he had asked for review, the record shows that the

Appellees denied review even then, and would state the Petitioner that he could appeal in a year just recently the Appellees have denied review with the claim that he can request review again in a year but have prejudicially blocked the review under the 6 year Statutes of Limitation halo. However, the Petitioner's earlier requests for redress should have been addressed. Which puts the Petitioner in under the 6 year vail wherefore, conflict of interest must be blocked or ousted.

This case, is based on the 6 year Statutes of Limitation and due to the request the Petitioner had asked the Lower Court to revive the Statutes of Limitation, and if not allow equitable estoppels due to the taking of the Petitioner's equity and causing him unwarranted liabilities without element of bills of laden. However, the lower Court's due to the fact that NAACP and Veterans Service Offices are utilizing the bills of laden have causing the Petitioner Conflict of Interest with the Judicial Branch, and a Judicial illegitimacy, Prejudice and libel and slander against the review of upgrading and correcting the Petitioner's dd214 and discharge which is someone else's judgment against them put into place without element toward the Petitioner which has stopped him from career goals and his ability to gain in equity and assets, in which the Petitioner is on disability and can only make $1,180 extra a month.

The Petitioner asks for reversal to the United States Court of Appeals for the Federal Circuit's Mandate and asks as well for Post Judgment relief, and Monetary Support and revival of Statutes of Limitation and Equitable estoppels due to the claim that the Appellees stated in the prejudice lower court judgment that they offered a waiver which was different from the Petitioner's waiver. Where the Petitioner is Service Connected for Cervical Spine Sprain, and has Social Security is the one that is representing his mental status which is Schizophrenia.

If the appellees offered waiver the waiver went to someone else once again.

[ARGUMENT-CASES PRECEDENT TO THE USUAL LOWER COURT'S ORDER WITHOUT CONFLICT OF INTEREST]

The Waiver for (allowing previous soldiers to re-enter the military in the 2014 through 2016 allowance was not viable for the Petitioner because his disability is 40% Service Connection for Cervical Spine or Neck Sprain). The issue that Waiver was allowed is not Revival of the Statutes of Limitation because the Petitioner had asked for Revival, Equity Estoppels due to the continued intercepting of the motions or legislative draft the Petitioner has requested from the Government such as the Money (is) Gold Bill in order to stop Counterfeiting.

The Appellees had hired a third Party for protecting their claims which was very likely the NAACP who is usually on board for protecting the protected class like the Petitioner however, conflict of interest occurred when the Veteran's Service Office, and the NAACP teamed up and became partners against the 10th Amendment Petitioner and falsely added that the Petitioner who had not been charged with a crime (They added to his confidential file that he had committed misconduct) which is not a normal occurrence because the Petitioner was discharged honorably and later the third Party argued that they be allowed to finish the dd 214 for the Petitioner and they erred by adding misconduct that the Petitioner never committed, and that caused the Petitioner to have to file for disability that never came until 1989 blocking his ability to have living arrangements and intercepting his income and employment abilities due to the arrangement they had assumed was legal. However, the Appellees have not filed with the Court the ability to have caused the Petitioner to legally participate in the inequity of the taking causing the illegal conflict of interest that gave them an unfair advantage over the Petitioner the Veteran/Soldier as well as they claimed they were Federal Agents of the Military they did block other means and intentions of the Petitioner.

As above, "a man must read and write with logic in order to achieve civil manhood. A Conflict of interest is an unpublished winning case." "NAACP, and the Veteran's Service Officers intercepted the Federal Financial Welfare Act Legislation from Lexington, Kentucky, and then when it moved to Cincinnati, Ohio they built Veteran Service Offices from it, after intercepting again the 10th Amendment provision within it. It they select to provide service it is they who are subjected to the conflict of interest in their own judgments, tampering with Government property, shows Monetary support is necessary for the Petitioner, and not the claim of survivorship or prostitution, or racketeering conflict of interest. The most important is that the Petitioner is entitled to Revival of the Statutes of Limitation, due to the misconception that his discharge was based on a mental breakdown." Armco v. Workmen's Compensation Appeal Bd., 667 A 2d 710, 716 n.12 (Pa.1995); Bergeron v. Mansour, 152 F.2d 27, 30 (1st Cir 1995). Bigelow v. Smik, 85 Cal Rptr 613, 615 (Cal. Ct. App 1970). Burr v. FHA, 309 U.S. 242 (1940). California First Bank v. Braden, 264 Cal Rptr 820, 822 (Cal Ct. App 1989). Collins v. Environmental Sys Co., 3 F.3d 238, 241-42 (8th Cir 1993). Doughty v. Bayne, 160 A.2d 609, 611 (Md. 1960). Frazer v. United States, 288 F.3d 1347, 1351 (Fed. Cir. 2002). Glidden Co., v. Zdanok consolidated with

Lurk v. United States, 370 U.S. 530 (1962). Grell v. Laci Le Beau Corp., 87 Rptr 2d 358, 361-62 (Cal. Ct. App 1999). Hollins v. Yellow Freight Sys., Inc., 590 F.Supp. 1023, 1028 (N.D. Ill. 1984). Hunter –Boykin v. George Washington University, 132 F.3d 77, 80 (D.C. Cir 1998). Matteucci v. Chain Drug Mkfg., Ass'n, No. 96-1596, 1997 WL 3435 at *2 (7th Cir. Jan 2, 1997) Doctrine of equitable estoppels. McCoy v. Goldberg, 845 F.Supp. 155 (S.D.N.Y. 1994). San Carlos Apache Tribe v. United States, 639 F.3d 1346, 1354-55 (Fed. Cir. 2011). Schmucker v. Nangle, 231 A.2d 121, 123 (Pa. 1967))). Shaw v. Gwatney, 795 F.2d 1351 (8th Cir. 1986). Shepherd v. Thompson, 122 U.S. 232, 235 (1887). South Carolina v. Catawba Indian Tribe, 476 U.S. 498, 518 (1986). Steward v. Keyes, 295 U.S. 403, 417 (1935). Sturges v. Crowninshield, 17 U.S. 122, 189-90 (1819). Tyler T. Ochoa & Andrew J. Wistrich, "The Puzzling Purposes of Statutes of Limitation," 28 L.J. 453, 500-10 (1997). Ugo Collelo... Tort Claim Act, 35 San Diego L. REV. 391 420 (1998). U.S. v. Fidelity & Casualty Co., 402 F.2d 893(4th Cir. 1968). U.S. v. Mitchell et al., 463 U.S. 206, 212 (1983). West v. Conrail, 481 U.S. 35(1987)-

28 U.S.C. Section 1254(1).

JURISDICTION

The 10th Amendment of the United States of America. *1 U.S.C. Section 7* (DMA) involved but (Omitted) but can be reheard. *10 U.S.C. Section 815(B)(ii)* Statutes of Limitation involved but (Omitted) But can be reheard. *10 U.S.C. Section 1552(b)(a)(1)* excuse failure to file involved but (Omitted). *18 U.S.C. Section 3161(a)* If not charged waiver allowed involved but (Omitted) can be reheard. 28 U.S.C. Section 149(a)(1). 28 U.S.C. Section 1254(1); 28 U.S.C. Section 1295(a)(3). 28 U.S.C. Section 1346(a)(2). 28 U.S.C. Section 1491; 28 U.S.C. Section 1495; 28 U.S.C. Section 1499; 28 U.S.C. Section 1949 Act; 28 U.S.C. Section 1505; 28 U.S.C. Section 1506; 42 U.S.C. Section 1981; 42 U.S.C. Section 1983; 42 U.S.C. Section 1986; Holmes, Oliver Wendell, "The Path of the Law," 10 HARV. L. REV. 451. 476 (1897). LESTER & NOONE, supra note 5, at Section 6.104; Subject to the rule of Contract." Gilliam Hadfield, of Sovereignty and Contract. Damages for Breach of Contract by the Government, 8 S.Cal. INTERDISC. L.J. 467, 467 (1999) id at 472; Request to revive the Statutes of Limitation. 1861

President Lincoln. 1949 Act. Acknowledged a Promise (Agreement)- Article III. Substantive rule (perhaps tort or contract) U.S. Const. Art. VI Section 2. On modern Conflicts analysis as a species of judicial realism, see Louise Weinberg, Against Comity, 80 Geo. L.J. 53, 54 (1991).

REASON FOR GRANTING THE WRIT

A Statutes of Limitation must be lifted if the request was before the 3rd year of a 6 year limit. "A Conflict of interest in the United States Judicial Branch would be to allow a family of an orphan child to dictate his military career under contracts, et seq." I am African American not Black my mother is Black, and my Daddy was Black. My request for having a writ is my 10th Amendment right to stop someone from interfering in my title VII ability or call it employment at Will or 1st Amendment right to become a military employee their Conflict of Interest with that should have been taken up with the Administration or Legal Department instead of a Quartermaster whose ideas of justice was merit. BILL OF RIGHTS OF THE UNITED STATES OF AMERICA." Cong. Globe, Dec 3, 1861, 37th Cong., 2nd Session app at 2. Economical

Espionage Act; Equitable Estoppel: JUDICIAL AND JUDICIAL PROCEDURE 1966 Pub. L. 89-554, Section4(a), Sept. 6 1966, 80 Stat. 611. (Established in 1346); Monetary Support(Bill of Rights); Misuse of Power; Revival of the Statutes of Limitation; Tort(Explanation); Tucker Act 1887; Safety Standard Act; Statutes of Limitation. Clayton Act, 38 Stat 738

The court will discount the great interest of nonforum law source in order to secure for a local litigant the benefits of local law. Nevada v. Hall, 440 U.S. 410 (1978). Allstate Ins., Co. v. Hague, 449 U.S. 302 (1981).

Privileges and Immunities Clauses U.S. Const. Art. IV, Section 2 Clause 1. Professor Ely also features the clause in his analysis, Ely, supra note 11.

Norris-LaGuardia Act, 47 Stat. 70, nor Section 20 of Clayton Act at 38 Stat 738 allows for intramural personal payments to the legal administration branch from a 10th Amendment protected worker. For simple means to allow writ without destruction of the request under Morris v. Jones, 67 Sup. Ct. 451 (1947) Art. IV Section 1; 329 U.S. 545. Also, United States v. United Mine Workers, 330 U.S. 258 (1947). Kreplik v. Couch

Patents Co., 190 F. 565; Hendriyx v. Fitzpatrick, 19 F. 810, 811, 813 there is no provision for someone claiming that the babysitter rule is caused by the other because the use of the clause is sitting before. (A Department of Education clause that you don't have to be educated is a conflict of interest.) Norris La Guardia Act, 47 Stat 70.

CONCLUSION

The Petitioner is asking the Court to avoid utilizing the 1968 Civil Rights Act against him and his 10th Amendment rights. The Appellees have lost the Petitioner's good faith administrative record and that is the reason they retrieved them back in the lower Court so that the Petitioner would not establish them as his personal witness, the Petitioner would like to in Honor correct them except for one, and that is the fact that he was supposed to be going to Officer Candidate School before Arbitration against him started that pin must be pinned or established through the Administration. As well, he was supposed to have received the expedition Medal Award for going overseas that was with hostility intercepted and changed to the Expeditious Discharge through the offer of Honorable discharge that was later cashiered without authority of the military. Under the War Labor Dispute Act the Petitioner asks that he be allowed to self correct his dd214 due to the Military's

3rd Party use of his actual Administrative records, and that any body representing NAACP or Veterans Service Office be censured and not be allowed to argue the Petitioner's request to be allowed Monetary Support, as well under the Federal Financial Welfare Act due to the involuntary selection of the Petitioner's file.

That the Petitioner be allowed Monetary Support Payments for the extorted plot against his 10 Amendment rights, and his due process use of the Laws that were due for process that were overlooked to him due to Conflict of Interest of the Jackie Robinson Case. The usual payment of false imprisonment must be given consideration.

Respectfully Submitted To the Court

Dennis L. Maxberry

Dennis L. Maxberry
P. O. Box 704
Chippewa Falls, WI 54729

CERTIFICATION

This is to certify this documents is in regulation of ther rules established by this Court and that a true and concise copy of this document and the appendix were sent to the below addressees;

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7.) The United States of America Department of Justice;
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On this the 15th day of May, 2018