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In The  
Supreme Court of the United States

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GEORGE BALDWIN HUTCHINSON JR. ( $\pi$ )

[*Petitioner,*]

v.

UNITED STATES OF AMERICA,

*Respondents,*

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Federal Circuit

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**[PETITION] FOR A WRIT OF CERTIORARI COVER**

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Please File

1 Original and 40 booklets Copies each of the Writ

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No.

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## QUESTIONS PRESENTED

1. Whether the Federal Circuit Court of Appeals can lawfully ignore controlling Supreme Court precedent, including *Soto v. United States*, 602 U.S. \_\_\_ (2025) and *Feliciano v. Department of Transportation*, 601 U.S. \_\_\_ (2025), that mandates a different outcome, and if not, whether the failure to apply such precedent deprives the appellant of due process and requires Supreme Court intervention.
2. Whether a pro se servicemember who secures a judgment advancing his rank from Captain to Major in the Court of Federal Claims is entitled to the same recognition and credit on appeal as an attorney-represented litigant would be, and whether the Federal Circuit's refusal to acknowledge that advancement constitutes a denial of equal treatment and due process.
3. Whether the court can blur the distinction between advancement on the retired list and promotion is a statutory entitlement that the Federal Circuit misapplied, and whether the court can disregard the sanctuary protections afforded to Reserve members under 10 U.S.C. § 12686. Additionally, whether the failure to recognize the four distinct types of military retirement entitlements under 10 U.S.C. §§ 1201, 1208, 1372, 1375, and related statutes resulted in a miscalculation of the appellant's lawful retirement benefits.
4. Whether the Federal Circuit's procedural handling— including the denial of oral argument, the lack of proper de novo review, and the issuance of unsigned per curiam orders that effectively rubber-stamp the lower court's decision—violated the appellant's due process rights. Additionally, whether the court's disregard of the rules of evidence and procedural safeguards in cases involving pro se servicemembers—thus abandoning their own standards to protect judicial colleagues and clerks—and the denial of sanctions in the face of established misconduct, including the knowing confirmation of fraud on the court when the government failed to prove its position and its own evidence moved against it, constitutes an abuse of discretion warranting Supreme Court review.

## PARTIES TO THE PROCEEDING

The following parties appeared in the proceedings below:

- **Petitioner:** George Baldwin Hutchinson, Jr. proceeding Pro Se.
- **Respondent:** United States of America

## RELATED PROCEEDINGS

- Hutchinson v. United States, No. 24-1269 (U.S. Court of Appeals for the Federal Circuit).  
Order/Decision entered June 6, 2025 (Doc. 75).  
Judgment entered June 6, 2025 (Doc. 76).  
Petition for Rehearing and Rehearing En Banc denied July 28, 2025 (Doc. 79).
- Hutchinson v. United States, No. 1:20-cv-00895-ZNS (U.S. Court of Federal Claims).  
Final judgment entered November 30, 2023 (Doc. 108).
- Related filings in the United States Court of Appeals for the Federal Circuit:  
Rule 28(j) Letter referencing *Soto v. United States* and *Feliciano v. Department of Transportation*, filed July 29, 2025 (Doc. 81).

No corporate disclosures are required.

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- *Soto v. United States*, 602 U.S. \_\_\_\_ (2025)
- *Feliciano v. Department of Transportation*, 601 U.S. \_\_\_\_ (2025)
- *Friestedt v. United States*, 173 Ct. Cl. 447 (1965)
- *Grayson v. United States*, 141 Ct. Cl. 866 (1958)
- *Tracy v. United States*, 136 Ct. Cl. 211 (1956)
- *Ex parte Young*, 209 U.S. 123 (1908)
- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944) — fraud on the court
- *Tumey v. Ohio*, 273 U.S. 510 (1927) — judicial bias violates due process
- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) — recusal and appearance of bias
- *Haines v. Kerner*, 404 U.S. 519 (1972) — pro se pleadings to be liberally construed
- *Mathews v. Eldridge*, 424 U.S. 319 (1976) — due process balancing test

## PETITION FOR A WRIT OF CERTIORARI

Petitioner, respectfully **petitions for a writ of certiorari** to review the judgment of the United States Court of Appeals for the Federal Circuit in *Hutchinson v. United States*, No. 24-1269, decided June 6, 2025, Further Order Denying Rehearing En Banc and Oral Argument filed July 28<sup>th</sup> 2025 with further mandate issued August 4, 2025.

This case presents important questions concerning the misapplication of statutory entitlements under Title 10 of the United States Code, the denial of advancement on the retired list, the failure to apply controlling precedent of this Court, and the unequal treatment of pro se servicemembers.

The issues raised affect not only the Petitioner, but also servicemembers broadly, where statutory protections, sanctuary provisions, and due process safeguards are routinely overlooked or denied in the Federal Circuit.

### OPINIONS BELOW

The judgment of the United States Court of Appeals for the Federal Circuit is unpublished. It was entered on June 6, 2025, in *Hutchinson v. United States*, No. 24-1269. The Federal Circuit issued its mandate on August 4, 2025. A copy of the decision is reproduced in the Appendix at A-1.

The opinion of the United States Court of Federal Claims in *Hutchinson v. United States*, No. 1:20-cv-00895-ZNS, was entered on November 30, 2023. That decision is reproduced in the Appendix at A.

### JURISDICTION

The judgment of the United States Court of Appeals for the Federal Circuit was entered on June 6, 2025. The mandate issued on August 4, 2025. This petition is timely under Rule 13 of the Rules of the Supreme Court of the United States, which allows ninety days from the entry of judgment to file a petition for writ of certiorari.

This Court has jurisdiction under **28 U.S.C. § 1254(1)**, which authorizes review on certiorari of judgments entered by the United States Courts of Appeals.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **U.S. Constitution, Article III, Section 1**

“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.”

### **U.S. Constitution, Amendment V (Due Process Clause)**

“No person shall ... be deprived of life, liberty, or property, without due process of law....”

### **10 U.S.C. § 1201 (Regulars and members on active duty for more than 30 days: retirement)**

Provides that the Secretary may retire a member of the armed forces who has at least 20 years of service or whose disability is determined to be of a permanent nature and stable, and who meets the statutory percentage requirements.

### **10 U.S.C. § 1208 (Computation of service)**

Requires that service for the purpose of disability retirement shall be computed in accordance with specific statutory rules, including credit for active and reserve service.

### **10 U.S.C. § 12686 (Reserves: limitation on release from active duty before retirement eligibility — “Sanctuary” provision)**

A member of a reserve component who is on active duty (other than for training) and is within two years of qualifying for retirement shall not be involuntarily released from active duty before he or she becomes eligible for retirement, except under certain limited conditions prescribed by statute.

### **10 U.S.C. § 1372 (Grade on retirement for disability)**

Any member of the armed forces retired for physical disability is entitled to the grade equivalent to the highest of:

1. The grade in which serving on the date of retirement;
2. The highest grade served in satisfactorily;
3. The grade to which the member would have been promoted had it not been for the disability; or

4. The grade to which the member was entitled under advancement provisions of Title 10, including §§ 1375 and 1401, at the time of retirement.

**10 U.S.C. § 1375 (Advancement on the retired list)**

Upon completion of 30 years of service (active and retired), a member of the armed forces is entitled, when retired, to advancement on the retired list to the highest grade satisfactorily held.

**10 U.S.C. § 1401 (Computation of retired pay)**

Specifies the formulas for computing retired pay under various retirement provisions, including disability retirement (§ 1201), length-of-service retirement, and other statutory categories, ensuring that a member is entitled to the highest lawful calculation.

**38 U.S.C. §§ 1411–1413 (Combat-Related Special Compensation — CRSC)**

Provide statutory entitlement to additional compensation for uniformed servicemembers whose retired pay is reduced by VA disability offset, where the disability is combat-related.

**28 U.S.C. § 1254(1)**

“Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.”

## **STATEMENT OF THE CASE**

### **A. Background of Service and Retirement**

Maj. Retired Hutchinson honorably served in the United States Armed Forces for 19 years, 4 months, and 22 days of creditable service. He was placed on the Temporary Disability Retired List (“TDRL”) on July 15, 2015, and later permanently retired in August 2019. During this period, Maj. Retired Hutchinson was promoted to the grade of Major (O-4). However, his retirement pay was calculated at the O-3E level, failing to account for the promotion to Major and the statutory entitlements governing advancement and computation of retired pay.

### **B. Statutory Entitlements at Issue**

Maj. Retired Hutchinson’s retirement rights are governed by multiple provisions of Title 10:

- **10 U.S.C. § 1372** entitles a servicemember retired for disability to the highest of four statutory grades (including the grade held at retirement, the highest grade served in satisfactorily, the grade that would have been attained but for the disability, or the grade authorized under advancement provisions such as §§ 1375 and 1401).
- **10 U.S.C. § 1375** provides for advancement on the retired list to the highest grade satisfactorily held upon reaching 30 years of combined active and retired service.
- **10 U.S.C. § 12686** protects reserve members within two years of retirement eligibility from being involuntarily separated before qualifying for full retirement.
- **10 U.S.C. § 1401** establishes the formulas by which retired pay must be computed, ensuring that servicemembers receive the most favorable calculation among applicable statutes.

Despite these statutory guarantees, Maj. Retired Hutchinson's retirement pay was fixed at a lower rank and computation base, resulting in a miscalculation of his lawful entitlements.

### **C. Proceedings Below**

Maj. Retired Hutchinson challenged this miscalculation in the United States Court of Federal Claims, asserting entitlement to proper computation under §§ 1372, 1375, and 1401, and to sanctuary protections under § 12686. The Court of Federal Claims dismissed or denied relief.

On appeal, the United States Court of Appeals for the Federal Circuit affirmed in an unpublished per curiam decision dated June 6, 2025 (Document 79), with mandate issuing August 4, 2025. The Federal Circuit disregarded controlling precedent from this Court, including *Soto v. United States* and *Feliciano v. Department of Transportation*, which were raised by Maj. Retired Hutchinson in a Rule 28(j) letter.

### **D. Issues of Misconduct and Sanctions**

Throughout the proceedings, Respondent failed to prove its position, relying instead on arguments contradicted by its own evidence. Despite this, both the Court of Federal Claims and the Federal Circuit denied Maj. Retired Hutchinson's motions for sanctions. In doing so, the courts knowingly confirmed fraud on the court, ignored rules of evidence, and treated a pro se servicemember's filings with less weight than those of an attorney.

## **E. Present Posture**

This case is now before the Court on petition for certiorari. It raises fundamental questions of statutory interpretation, the proper treatment of pro se servicemembers, and whether the Federal Circuit may disregard this Court's binding precedent, due process, and evidentiary safeguards to protect its own bench and clerks.

## **REASONS FOR GRANTING THE WRIT**

### **A. Conflict with Supreme Court Precedent**

The Federal Circuit disregarded controlling decisions of this Court, including *Soto v. United States*, 602 U.S. \_\_\_ (2025), and *Feliciano v. Department of Transportation*, 601 U.S. \_\_\_ (2025). Both cases establish clear rules governing statutory entitlements for servicemembers and the Court's obligation to apply them faithfully. Despite Rule 28(j) letters bringing these precedents to the court's attention, the Federal Circuit issued an unpublished per curiam decision that ignored their binding force. This direct conflict with this Court's precedent warrants certiorari.

### **B. Conflict with Decisions of Other Circuits**

Other circuits recognize the mandatory nature of statutory entitlements for servicemembers and enforce them accordingly. For example, the Court of Appeals for Veterans Claims and several regional circuits have held that when Congress creates a statutory entitlement, courts may not diminish it by judicial gloss. The Federal Circuit, however, has treated the advancement statutes—10 U.S.C. §§ 1372, 1375, and 1401—as discretionary or inapplicable, creating a split in treatment that undermines uniformity of federal law.

### **C. Exceptional Importance and Systemic Issues**

The proper computation of retired pay affects thousands of servicemembers each year. Misapplication of 10 U.S.C. §§ 1201, 1208, 12686, 1372, 1375, and 1401 has systemic consequences, stripping servicemembers of benefits Congress guaranteed. This Court has repeatedly granted review in cases of systemic misinterpretation of veterans' benefits laws because such errors not only harm individuals but also erode public trust in the fair administration of military justice. Certiorari is necessary here to restore uniformity and protect statutory rights.

## **D. Violation of Due Process, Evidence Rules, and Constructive Fraud**

Maj. Retired Hutchinson was denied oral argument, deprived of de novo review, and subjected to a process in which the Federal Circuit effectively rubber-stamped the Court of Federal Claims' judgment. In doing so, the court disregarded the Federal Rules of Evidence, applied a double standard against a pro se servicemember, and denied sanctions despite evidence of misconduct by Respondent. Worse still, the courts knowingly confirmed fraud on the court when Respondent failed to prove its position and its own evidence contradicted its arguments. These due process violations rise to the level of constructive fraud, making Supreme Court intervention essential.

## **CONCLUSION**

For the reasons set forth above, this case presents fundamental issues requiring this Court's review. The Federal Circuit ignored binding precedent from *Soto v. United States* and *Feliciano v. Department of Transportation*, misapplied critical statutory provisions under 10 U.S.C. §§ 1201, 1208, 12686, 1372, 1375, and 1401, and refused to recognize Maj. Retired Hutchinson's advancement to O-4 despite prevailing in the Court of Federal Claims.

The lower courts denied equal treatment to a pro se servicemember by disregarding rules of evidence, abandoning their own standards, and refusing sanctions even when Respondent's own evidence disproved its arguments. In doing so, they knowingly confirmed fraud on the court, eroding both due process and the integrity of the judicial system.

This case is not limited to the personal rights of one servicemember. It affects systemic issues of statutory interpretation, uniformity of federal law, and the rights of thousands of veterans and reservists whose entitlements depend on faithful application of Congress's directives. The exceptional importance of these issues, combined with the direct conflict with this Court's precedent and the denial of basic due process, warrants this Court's intervention.

Petitioner therefore respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit in *Hutchinson v. United States*, No. 24-1269.

October 21, 2025 Respectfully submitted,

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