

App. No. ____ - _____

In the Supreme Court of the United States

JOHN A. GENTRY, PETITIONER

v.

THE HONORABLE JOE H. THOMPSON, RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MOTION FOR LEAVE TO PROCEED ON PAPERS

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sui juris / Pro Se

**NON EST ARCTIUS VINCULUM INTER HOMINES QUAM
JUSJURANDUM**

Petitioner, John Anthony Gentry, pursuant to U.S. Supreme Court Rule 40 and 10 U.S.C. § 502(a), respectfully moves for leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, without prepayment of costs and for leave to proceed as a Veteran and leave to proceed on papers prepared as required by Sup. Ct. Rule 33.2.

Sup. Ct. Rule 40 provides that a veteran suing under any provision of law exempting veterans from the payment of fees or court costs, may proceed without prepayment of fees or costs. The intent of Congress' enactment of various statutes exempting veterans from the payment of court fees or court costs, was generally to make courts available to veterans without cost for enforcement of their rights to veterans' benefits, and various protections afforded to them as service members.

Petitioner respectfully asserts the intent of congress also includes exemption for court fees and costs incurred in performance of duty and in adherence to sworn oath. Upon entry into military service, Petitioner swore the following oath pursuant to 10 U.S.C. § 502:

**"I, John Anthony Gentry do solemnly swear that I will support
and defend the Constitution of the United States against all**

enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”

This oath sworn by Petitioner, is an oath without limitation of time or circumstance. This case is about preserving the republican principles upon which our country was founded. This case is about defending our Constitution and usurpation of rights provided therein. The facts of this case are uncontested and there is no doubt the Respondent has forsaken republican principles, and usurped rights provided for in our federal constitution. In so doing, the Respondent has in fact become an enemy of the Constitution of the United States and it is Petitioner’s sworn duty to defend the Constitution.

Our President and Commander in Chief has called upon all of us who hold the Constitution dear to defend, protect, and promote it and that “if we fail to preserve it, it will never, ever exist again.”

On this Sunday, Constitution Day, let us recommit ourselves to our Founding Principles, and rededicate ourselves to our glorious heritage. We have inherited a birthright of freedom – **we must defend it dearly, protect it jealously, and promote it proudly, as one nation under God.** (*President Donald Trump, Weekly Address, September 15, 2017*)

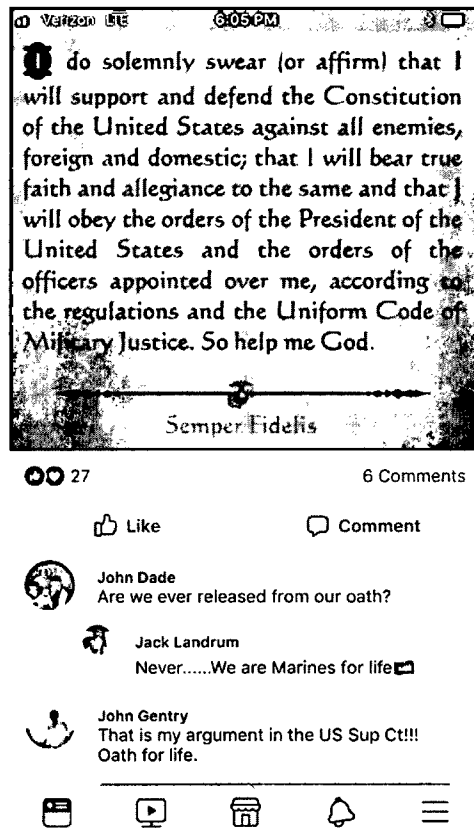
And above all, **we value the dignity of every human life, protect the rights of every person,** and share the hope of every soul to live in freedom. That is who we are. Those are

the priceless ties that bind us together as nations, as allies, and as a civilization.

...And if we fail to preserve it, it will never, ever exist again. So we cannot fail. (*President Donald Trump, Warsaw Poland, July 6, 2017*)

Petitioner's initial submission of his petitions and motions to this Court (which included this motion) were returned unfiled, accompanied by a letter from Clerk's Office dated January 23, 2018.

Ironically, as Petitioner was preparing this document for refileing, he happened upon a Facebook post shown in the image to the right. Although certainly not binding authority, this evidences the commitment of United States Marines to their sworn oath. Again: There is no stronger link among men than an oath. NON EST ARCTIUS VINCULUM INTER HOMINES QUAM JUSJURANDUM.



In Petitioner's Amended Complaint in U.S. Dist. Ct., Petitioner sought the following relief: "Item 4. Issue injunctive relief commanding Defendant to recognize and enforce the constitutional rights of citizens subject to his jurisdiction." In seeking this reasonable redress, there can be no doubt

Petitioner seeks to defend the constitution not only for himself, but also for those that come after him and stand before the Respondent seeking justice in future cases. Surely this Court must recognize this as a worthy endeavor in defense of our federal constitution.

Due to these facts, Petitioner should be exempted from court costs and fees for performance of duty in service to country. Petitioner should be permitted to proceed as veteran under law exempting him from court costs and fees and should be granted leave to proceed on papers prepared as required by Rule 33.2

As evidence of Petitioner's character of service to country, he attaches as addendum: (1) Letter of Commendation from the Commander Sixth Fleet, (2) Certificate of Commendation from the Commanding General Tenth Marine Amphibious Brigade, (3) Good Conduct Medal (2nd Award) and (4) Form DD214.

Should the Court render decision to not allow Petitioner to proceed as a veteran and not grant leave to proceed on papers as required by Rule 33.2, Petitioner respectfully asks this Court to grant an extension of time to file (motioned separately and filed concurrently), for his Petition for Writ of Certiorari.

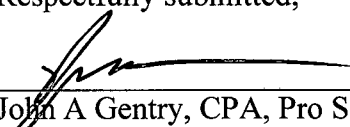
CONCLUSION

Pursuant to Sup. Ct. Rule 40 and 10 U.S.C. § 502(a), the Court should exempt Petitioner from payment of court fees and costs and grant Petitioner leave to proceed on papers as required by Sup. Ct. Rule 33.2 and permit him to proceed as a veteran.

Alternatively, should this Court not grant this motion, the Court should grant separately motioned extension of time to file, so that Petitioner can file his brief in accordance with Sup. Ct. Rule 33.1.

Dated: February 11, 2018

Respectfully submitted,



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Oath

State of Tennessee)

County of Davidson)

I, John Anthony Gentry, after being first duly sworn according to law, do hereby make oath, verify, state, and affirm, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all statements included in the above and foregoing MOTION FOR LEAVE TO PROCEED ON PAPERS, are true and correct representations, to the best of my knowledge, information and belief.

I, John Anthony Gentry, further do hereby make oath, verify, state, and affirm, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that I am a veteran of the United States Armed Forces, and United States Marine Corps and that my character of service was Honorable.

Dated: February 11, 2018

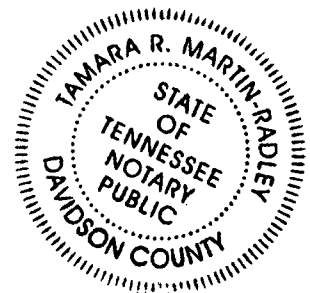

John Anthony Gentry

Sworn to and subscribed before me, this

the 11th day of February, 2018

Notary Public Tamara R. Martin-Radley

My Commission Expires 06 January 2020



**Additional material
from this filing is
available in the
Clerk's Office.**