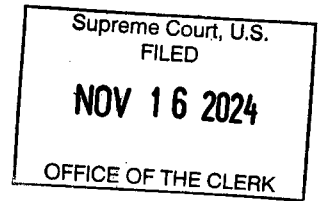


No. 24-567 (24-5218, 24A273, 24-514, 24-443, 24A430)

In The
Supreme Court of the United States



MARTIN AKERMAN, PRO SE,

Petitioner,

v.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Respondent.

PETITION FOR WRIT OF MANDAMUS

IN RE: DENIED PETITION FOR WRIT OF MANDAMUS
CASE NO. 2024-3028
AND RULE 39.8 SANCTIONS (24-5218, 24A273)

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QUESTIONS PRESENTED

Whether the United States Court of Appeals for the Seventh Circuit erred in denying the petition for writ of mandamus (Case No. 24-3028) on November 13, 2024, without consideration of the substantial constitutional claims raised by the petitioner, thereby blocking any appellate review.

Whether the Supreme Court's application of Rule 39.8, labeling the petitioner's prior filing as frivolous, violated due process and imposed undue barriers on indigent litigants, stigmatizing legitimate claims and obstructing access to justice.

Whether the cumulative actions of the lower courts and the Supreme Court infringed upon the petitioner's Second Amendment rights by effectively disarming the petitioner through administrative and legal sanctions without procedural safeguards or an avenue for appeal.

PARTIES TO THE PROCEEDING

Petitioner: Martin Akerman, pro se.

Respondents: The Honorable Amy J. St. Eve, Circuit Judge; The Honorable Thomas L. Kirsch II, Circuit Judge; The Honorable Doris L. Pryor, Circuit Judge, United States Court of Appeals for the Seventh Circuit.

Respondent: The Honorable Brett H. Ludwig, United States District Judge for the Eastern District of Wisconsin

Respondent: The United States Court of Appeals for the Seventh Circuit and the Eastern District of Wisconsin are represented by the Solicitor General of the United States, in their role concerning judicial review, access, and procedural administration of mandamus relief under federal law.

Respondent: Northwestern Mutual Life Insurance Company, represented by attorneys Paul F. Heaton and Theresa M. Correa McMichen, Godfrey & Kahn, S.C., 833 E. Michigan Street, Suite 1800, Milwaukee, WI 53202.

RELATED SUPREME COURT CASES

Related Mandamus to the D.C. Circuit..... 24-514
Related Mandamus to the Federal Circuit..... 24-443
Petition for Writ of Certiorari..... 24-5218
Petition for Rehearing (Mislabeled).....24-5218
Application for Injunction..... 24A273

RELATED CASES IN SEVENTH CIRCUIT

Mandamus Denied: Seventh Circuit..... 0:2024op03028
Appeal (Sua Sponte New Appeal)..... 0:2024cv03076
Appeal..... 0:2024cv01245 (24-5218)

**RELATED DISTRICT COURT CASES
AIMED AT DISCREDITING PETITIONER**

Eastern District of Virginia.....1:24-cv-01284
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PETITION FOR WRIT OF MANDAMUS

This petition arises from a series of procedural and administrative actions by the United States Court of Appeals for the Seventh Circuit, culminating in the denial of the petitioner's writ of mandamus on November 13, 2024 (Case No. 2024-3028), Appendix A.

The denial, coupled with the Supreme Court's application of Rule 39.8 in related cases, has obstructed appellate review, stigmatized the petitioner, and raised significant constitutional concerns, see mislabeled petition for rehearing 24-5218 and Appendix B.

The petitioner now seeks the Supreme Court's intervention to remedy these injustices, which include violations of due process and the Second Amendment, and to clarify the application of Rule 39.8 in cases involving indigent litigants and substantial constitutional claims.

JURISDICTIONAL STATEMENT

This Court has jurisdiction to issue writs of mandamus under 28 U.S.C. § 1651(a), the All Writs Act, which authorizes the Supreme Court and all courts established by Congress to issue writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1251, as the highest judicial authority vested with the power to review decisions of the United States Courts of Appeals.

Order on Appeal

On November 13, 2024, the United States Court of Appeals for the Seventh Circuit issued an order denying the petitioner's writ of mandamus (Case No. 2024-3028). The order was issued without substantive review of the constitutional claims raised, leaving the petitioner without an avenue for appellate redress.

The Seventh Circuit's decision, coupled with procedural irregularities in the district court and appellate court proceedings, including mislabeling and mishandling of filings, is outlined in Appendix A.

Further complicating matters, the Supreme Court applied Rule 39.8 to dismiss a related petition for writ of certiorari (Case No. 24-5218) as frivolous, despite the substantial constitutional claims presented. This labeling has stigmatized the petitioner and obstructed meaningful appellate review, as detailed in the petition below, included as Appendix B.

The denial of the writ of mandamus and the application of Rule 39.8 have effectively deprived the petitioner of his constitutional rights.

Standard for Issuance of a Writ of Mandamus

A writ of mandamus is an extraordinary remedy, granted only in exceptional circumstances. The Supreme Court has established three requirements for mandamus relief:

1. Petitioner must demonstrate that there is no other adequate way to achieve the desired relief (*Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980)).
2. Petitioner must show that his right to the relief sought is "clear and indisputable" (*Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 381 (2004); *Mallard v. United States Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296 (1989)).
3. The Court must be satisfied that issuing the writ is appropriate given the circumstances of the case (*Kerr v. United States Dist. Court*, 426 U.S. 394, 403 (1976)).

RELIEF SOUGHT

The petitioner respectfully requests that this Court:

A. Grant the Writ of Mandamus

Direct the United States Court of Appeals for the Seventh Circuit to reconsider the denial of the petitioner's writ of mandamus in Case No. 2024-3028, with a substantive review of the constitutional claims presented, and ensure that the petitioner has access to meaningful appellate review.

B. Vacate Rule 39.8 Labeling

Reverse the Supreme Court's application of Rule 39.8 in Case No. 24-5218, restoring the petitioner's credibility and ensuring access to justice for indigent litigants raising substantial constitutional claims.

C. Address Procedural
and Administrative Irregularities

Order corrective measures for the procedural and administrative errors in the district and appellate courts, including proper labeling of filings, access to electronic filing systems for pro se litigants, and adherence to due process requirements.

D. Affirm Constitutional Protections

Declare that the cumulative actions of the courts and administrative agencies, which have effectively deprived the petitioner of his Second Amendment rights, violate due process and the petitioner's constitutional protections.

E. Clarify the Application of Rule 39.8

Provide guidance on the appropriate application of Rule 39.8 to ensure it is not misused to stigmatize legitimate claims by indigent petitioners or obstruct access to appellate review.

F. Remand for Proper Consideration

Remand the petitioner's claims to the Seventh Circuit or another appropriate judicial authority with instructions to provide a fair and thorough review of the petitioner's constitutional claims, including due process violations and the Second Amendment implications.

STATEMENT OF THE CASE

This case stems from a series of procedural failures and administrative errors that have prejudiced the petitioner, Martin Akerman, in his legal proceedings before the Eastern District of Wisconsin, the Seventh Circuit, and the Supreme Court. These errors, including docket mislabeling, denial of electronic filing (ECF) access, and misinformation, have collectively obstructed the petitioner's ability to receive meaningful judicial review, culminating in the denial of his petition for writ of mandamus (Case No. 2024-3028) by the Seventh Circuit on November 13, 2024, and the Supreme Court's application of Rule 39.8 in related cases.

Procedural Failures and Their Impact

In the underlying proceedings, critical filings were mischaracterized or omitted. For example:

1. **Mislabeling of Key Filings:** Entries in the Eastern District of Wisconsin's docket, such as the Defendant's sub-reply (ECF No. 47) and Plaintiff's Motion for Injunction (ECF Nos. 1 and 22), were inaccurately labeled. This created confusion over filing sequences and response timelines, which materially prejudiced the petitioner's ability to respond effectively.
2. **Denied Access to Electronic Filing (ECF):** The petitioner, appearing pro se, was denied access to ECF in the Eastern District of Wisconsin, limiting his ability to file timely and accurate submissions. This denial exacerbated procedural delays and led to multiple instances of docketing errors.

These procedural deficiencies directly influenced the Seventh Circuit's denial of the petitioner's writ of mandamus without substantive review of his constitutional claims.

The petitioner's inability to correct these errors at the district court level necessitated appellate intervention.

Misinformation Disarming the Petitioner

The procedural failures also resulted in misinformation being transmitted to the Supreme Court in Docket No. 24A273, where the petitioner sought reconsideration of his in forma pauperis (IFP) status. This misinformation led to the denial of his application and further stigmatized his claims as frivolous under Rule 39.8. Such labeling obstructed the petitioner's access to meaningful appellate review and collateral order relief, a violation of his due process rights under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The petitioner's claims raised substantial constitutional issues, including the deprivation of his Second Amendment rights, which have now been effectively foreclosed by administrative and judicial actions.

Second Amendment Implications

The petitioner contends that the cumulative impact of the lower courts' actions has resulted in his effective disarmament without procedural safeguards. The denial of his writ of mandamus and subsequent application of Rule 39.8 have barred him from addressing administrative decisions that deprived him of his Second Amendment rights. This deprivation, occurring without a proper avenue for appeal, directly conflicts with the Court's holding in *District of Columbia v. Heller*, 554 U.S. 570 (2008), which emphasized the fundamental nature of the Second Amendment.

Necessity for Collateral Order Review

Given the nature of the constitutional deprivations at issue, collateral order review is necessary to address the procedural irregularities and constitutional violations effectively. Under *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), immediate appellate review of collateral orders is warranted when they conclusively determine disputed questions separate from the merits of the case and are effectively unreviewable on appeal from a final judgment. The procedural barriers and misinformation in this case meet these criteria, necessitating intervention to preserve the petitioner's rights.

REASONS TO GRANT MANDAMUS

The Supreme Court should grant this petition for writ of mandamus to rectify significant procedural, administrative, and constitutional violations that have obstructed the petitioner's access to justice. These violations have stigmatized the petitioner under Rule 39.8 and deprived him of fundamental protections guaranteed under the Constitution.

1. No Adequate Alternative Remedy

The petitioner has exhausted all other avenues for relief. The denial of the writ of mandamus by the Seventh Circuit, compounded by procedural errors in the district court and misinformation disarming the petitioner before the Supreme Court, has left him without a meaningful pathway for judicial review. As established in *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980), mandamus is warranted when no adequate alternative remedy exists.

2. Clear and Indisputable Right to Relief

The petitioner has demonstrated a clear entitlement to relief based on due process and Second Amendment violations. Procedural deficiencies, such as the mislabeling of filings and denial of electronic filing access, have unfairly prejudiced the petitioner. These actions undermine the principle of fair and impartial justice required by *Mathews v. Eldridge*, 424 U.S. 319 (1976), and the fundamental rights affirmed in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

The misinformation that influenced the Supreme Court's denial of the petitioner's *in forma pauperis* (IFP) application under Rule 39.8 further obstructed access to justice, stigmatizing the petitioner's legitimate claims. This labeling has created an insurmountable procedural hurdle, violating the petitioner's right to meaningful appellate review.

3. Extraordinary Circumstances

Warranting Mandamus

The cumulative effect of procedural and administrative irregularities constitutes extraordinary circumstances that justify the Court's intervention. These errors not only impacted the petitioner's ability to litigate but also disarmed him procedurally and constitutionally. As held in *Kerr v. United States Dist. Court*, 426 U.S. 394, 403 (1976), mandamus is appropriate when necessary to correct clear abuses of judicial discretion or failures of justice.

4. Misapplication of Rule 39.8

The Supreme Court's application of Rule 39.8 in this case has stigmatized the petitioner's claims as frivolous without substantive consideration of their constitutional merit. Rule 39.8 must not be used as a procedural barrier to obstruct indigent litigants raising legitimate constitutional claims. Misapplication of the rule violates the principles of due process and equal protection under the law, as emphasized in *Griffin v. Illinois*, 351 U.S. 12 (1956).

5. Second Amendment Deprivation

Without Due Process

The petitioner's Second Amendment rights have been effectively nullified through administrative and judicial actions devoid of procedural safeguards. The denial of his mandamus petition foreclosed any opportunity to address these constitutional deprivations, in direct conflict with *District of Columbia v. Heller*, 554 U.S. 570 (2008). This deprivation necessitates immediate appellate intervention to restore the petitioner's fundamental rights.

6. Necessity of Collateral Order Review

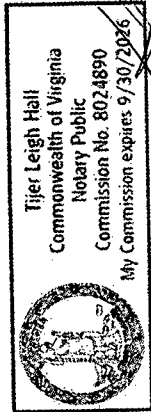
The procedural barriers and misinformation in this case warrant collateral order review. As articulated in *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), collateral orders that conclusively determine rights and are effectively unreviewable on final judgment merit immediate appellate consideration. The petitioner's case exemplifies these conditions, as procedural deficiencies have foreclosed meaningful appellate review of his constitutional claims.

CONCLUSION

The petitioner has been denied access to meaningful judicial review due to procedural failures, administrative errors, and the stigmatization of his claims under Rule 39.8. These violations have deprived him of due process, Second Amendment protections, and equal access to justice. For these reasons, the Court should grant this writ of mandamus to ensure the petitioner's constitutional rights are upheld, correct the procedural and administrative irregularities, and clarify the proper application of Rule 39.8.

Respectfully Submitted Under Oath,

[Signature]
 Martin Akerman, Pro Se
 2001 North Adams Street, 440
 Arlington, VA 22201
 (202) 656-5601



County/City of Arlington
 Commonwealth/State of VA
 The foregoing instrument was acknowledged
 before me this 16 day of November
2024, by Martin Akerman, Prose
 (name of person seeking acknowledgement)
 Notary Public *[Signature]*
 My Commission Expires: 09/30/2026