

DEC 23 2024

OFFICE OF THE CLERK

24A658

No. _____ (23M44, 23-1106, and 23-623)

In The
Supreme Court of the United States

MARTIN AKERMAN,
CHIEF DATA OFFICER
OF THE NATIONAL GUARD BUREAU, PRO SE

Petitioner,

v.

WARDEN,
NEVADA AIR NATIONAL GUARD

Respondent.

To the Honorable Elena Kagan,
Associate Justice of the Supreme Court of the United States,
and Circuit Justice for the Ninth Circuit

APPLICATION FOR A STAY

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

QUESTIONS PRESENTED

- Did the Ninth Circuit err in dismissing the habeas petition despite evidence satisfying the custody requirement under 28 U.S.C. § 2241(c)(1)?
- Is closure of the case appropriate while related proceedings in the Federal Circuit and District Court remain unresolved?
- Should this Court exercise its original jurisdiction to address Applicant's claims under 28 U.S.C. § 2241?

RELATED SUPREME COURT CASES

These issues are deeply consequential, not only for the Petitioner, who has standing as an expert in artificial intelligence policy, but for all Americans navigating a landscape increasingly dominated by automated systems that challenge the rule of law.

Case No. 24A430

In this case, the Petitioner raised concerns about the federalization of state military officers for detaining federal employees under the guise of national security, without judicial review. The case underscores the erosion of due process protections under the Posse Comitatus Act and its implications for federal employees engaged in whistleblowing activities.

Case No. 24A507

This case questioned whether FOIA denials and administrative barriers violated transparency and accountability rights essential for whistleblowers. It also highlighted the role of information as a tool for self-defense against disinformation, invoking modern interpretations of the Second Amendment.

Case No. 24-567

The Petitioner sought a writ of mandamus to address the cumulative procedural failures in the Seventh Circuit and Supreme Court, arguing that Rule 39.8 sanctions stigmatized legitimate claims. The case also stressed the need for judicial oversight in administrative processes that infringe on fundamental rights.

JURISDICTION

This Court has jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a), and Article III of the Constitution to issue a stay or writ of mandamus. Alternatively, this Court has original jurisdiction under 28 U.S.C. § 2241 to entertain habeas petitions in extraordinary circumstances involving federal authority.

APPLICATION FOR A STAY

In determining whether to grant a stay or consider this application as a petition for a writ of error, this Court applies a balancing test that evaluates four critical factors: (1) whether the applicant has made a strong showing that they are likely to succeed on the merits; (2) whether the applicant will suffer irreparable harm absent a stay; (3) whether the issuance of the stay will substantially injure the other parties; and (4) where the public interest lies. These factors weigh decisively in favor of granting relief in this case.

Applicant, Martin Akerman, respectfully submits this Application for a Stay of the Ninth Circuit's December 23, 2024, decision dismissing his habeas corpus petition (Case No. 24-6166). The Ninth Circuit prematurely closed the case, explicitly barred further filings, and failed to address related proceedings actively under review in the Federal Circuit and District of Nevada. Applicant requests, in the alternative, that this Application be treated as a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, Appendix A.

Likelihood of Success on the Merits

Applicant has made a compelling case that his habeas corpus petition satisfies the custody requirement under 28 U.S.C. § 2241(c)(1), demonstrating that he is subject to substantial restraints on liberty imposed under the authority of the United States. The Ninth Circuit's dismissal disregarded these critical facts and failed to consider the following:

Constructive Custody:

Applicant's indefinite administrative suspension by the National Guard Bureau has resulted in significant restrictions on his freedom, akin to the constructive custody recognized in *Hensley v. Municipal Court*, 411 U.S. 345 (1973). These restraints include denial of employment, benefits, and the ability to contest the suspension in a meaningful way.

Ongoing Procedural Violations:

Applicant's claims extend beyond mere employment disputes to include violations of due process, retaliation for whistleblowing, and systemic procedural defects. Related proceedings in the Federal Circuit and District of Nevada (Appendices B and C) substantiate these claims, highlighting the interconnected and unresolved nature of the legal issues at hand.

Judicial Coordination:

The Ninth Circuit's premature dismissal disrupts judicial coordination across multiple jurisdictions, where related claims are under active review. Allowing the habeas petition to proceed is essential to ensuring a comprehensive and fair resolution of Applicant's claims, Appendix D.

The substantive merits of Applicant's claims, supported by legal precedent and ongoing judicial review, strongly indicate a likelihood of success if this Court grants the requested relief.

Irreparable Harm

Absent a stay, Applicant will suffer immediate and irreparable harm, including:

Loss of Access to Judicial Remedies:

The Ninth Circuit's order explicitly barred further filings, effectively silencing Applicant's ability to seek redress for constitutional violations and procedural errors.

Prolonged Constructive Custody:

Applicant remains indefinitely suspended, facing significant professional, financial, and emotional harm that cannot be remedied retroactively.

Impact on Related Proceedings:

The premature dismissal undermines active proceedings in the Federal Circuit and District of Nevada, creating procedural barriers that further obstruct Applicant's pursuit of justice.

No Substantial Injury to Respondents

The ongoing harm to Applicant's rights, liberty, and livelihood necessitates immediate judicial intervention. Issuing a stay will not substantially injure Respondent or other parties:

Minimal Burden:

The Respondent's obligations are limited to participation in further judicial review, a standard expectation in habeas corpus proceedings.

Fair Adjudication:

A stay ensures the fair and thorough adjudication of Applicant's claims, promoting judicial integrity without imposing undue hardship on other parties.

The balance of equities decisively favors granting the requested relief.

Public Interest

The public interest supports granting a stay for the following reasons:

Upholding Constitutional Protections:

This case raises critical questions about due process, whistleblower protections, and the appropriate use of administrative authority. Ensuring proper judicial review serves the broader interest of safeguarding constitutional rights.

Ensuring Government Accountability:

Judicial oversight of Applicant's claims ensures that federal and state authorities are held accountable for potential abuses of power, reinforcing public trust in the rule of law.

Promoting Judicial Efficiency:

Coordinating related proceedings across jurisdictions prevents inconsistent rulings, reduces redundancy, and ensures a comprehensive resolution of the underlying issues.

The public interest aligns with granting the requested stay to preserve Applicant's rights and maintain the integrity of the judicial process.

**REASONS TO GRANT STAY OR
CONSIDER THE PETITION
AS A WRIT OF HABEAS CORPUS**

This Court should grant a stay of the Ninth Circuit's dismissal or, alternatively, treat this application as a petition for a writ of habeas corpus under 28 U.S.C. § 2241. A stay is critical to ensuring these proceedings are coordinated and that the judiciary has a full understanding of the interconnected legal and factual issues before issuing a final decision. The following reasons underscore the necessity of judicial intervention:

1. Premature Dismissal by the Ninth Circuit

The Ninth Circuit's decision to dismiss Applicant's habeas corpus petition was procedurally improper and premature. By closing the case without addressing the merits or considering related proceedings under active review in the Federal Circuit and District of Nevada, the Ninth Circuit:

- **Failed to Address Substantive Claims:** Applicant's habeas petition raises significant constitutional and procedural issues, including false imprisonment, due process violations, and retaliation for whistleblowing. These claims were disregarded in favor of a premature procedural dismissal.
- **Barred Further Filings:** The explicit prohibition on additional filings denies Applicant access to judicial remedies and obstructs the ability to present new evidence or arguments related to ongoing related proceedings.

2. Coordinated Judicial Review Is Necessary

Applicant's claims are intertwined with active proceedings across multiple jurisdictions, including:

- **Federal Circuit:** Cases 2024-146 and 2025-107 address overlapping issues of whistleblower protections, administrative retaliation, and due process violations arising from Applicant's indefinite suspension by the National Guard Bureau.
- **District of Nevada:** Case No. 2:24-cv-01734 examines related claims of wrongful property withholding, while Case No. 2:24-cv-01602 addresses false imprisonment and administrative misconduct (Appendices B and C).

3. Preservation of Constitutional Protections

The habeas corpus petition and related claims raise fundamental constitutional questions, including:

- **Due Process:** Applicant has been denied meaningful access to challenge the administrative actions against him.
- **Suspension Clause:** The Ninth Circuit's premature dismissal effectively suspends Applicant's right to seek habeas relief by barring judicial review and further filings.
- **First Amendment:** Retaliatory actions against Applicant for whistleblowing implicate his right to petition the government for redress.

Granting a stay or treating the petition as a writ of habeas corpus ensures these constitutional protections are upheld.

4. Applicant's Claims Are Substantiated by Evidence

Applicant has presented substantial evidence to support his claims, including documentation from related proceedings in the Federal Circuit and District of Nevada. These records highlight systemic procedural violations, retaliatory conduct, and the improper use of administrative authority to restrict Applicant's liberty.

The evidence underscores the urgency of judicial intervention to prevent further harm and address unresolved legal issues.

5. The Stay Promotes Judicial Integrity
and Public Trust

Granting a stay ensures that Applicant's claims are reviewed comprehensively and fairly, reinforcing public trust in the judiciary. Judicial oversight in this case serves to:

- **Hold Federal and State Actors Accountable:** Ensures that abuses of administrative authority are addressed.
- **Protect the Rule of Law:** Reinforces constitutional safeguards against arbitrary and unlawful government actions.
- **Promote Judicial Efficiency:** Prevents inconsistent rulings and redundancy across jurisdictions by coordinating related proceedings.


CONCLUSION

For these reasons, Applicant respectfully requests that this Court:

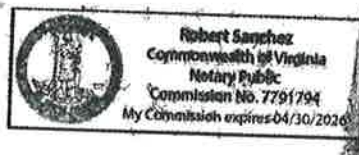
- A. Stay the Ninth Circuit's December 23, 2024, decision, keeping the case open while related proceedings in the Federal Circuit and District of Nevada are ongoing.

- B. Alternatively, treat this Application as a Petition for Writ of Habeas Corpus, issue an order directing Respondent to show cause for Applicant's restraint, and grant appropriate relief, including restoration of liberty and documentation of wrongdoing.

Respectfully Submitted Under Oath,


Martin Akerman, Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

County/City of Arlington
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 23 day of Dec,
2024, by Martin Akerman
(name of person seeking acknowledgement)
John [Signature]
Notary Public
My Commission Expires: 30 April 2024



RULE 33.2 CERTIFICATION

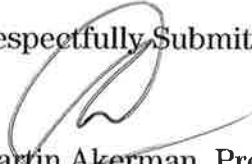
This motion complies with the Court's type-volume limitation as it contains 1,571 words, which is within the word limit for a motion to the Court.

10 copies were served on the Clerk in 8 ½ x 11 inch paper, stapled on the upper left-hand corner.

The text of this supplemental brief has been prepared in a proportionally spaced typeface using Google Docs in Century, 12 point font size.

Dated and respectfully submitted, this 23rd day of December, 2024.

Respectfully Submitted,



Martin Akerman, Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

In The
Supreme Court of the United States

MARTIN AKERMAN,
CHIEF DATA OFFICER
OF THE NATIONAL GUARD BUREAU, PRO SE

Petitioner,

v.

WARDEN,
NEVADA AIR NATIONAL GUARD

Respondent.

APPENDIX A: FINAL ORDER
(December 23, 2024)

This document highlights the procedural defects in the Ninth Circuit's analysis, including its failure to consider the constructive custody imposed on Applicant through indefinite administrative suspension and denial of due process rights. It forms the basis for this Application's argument that the Ninth Circuit prematurely closed the case and barred further filings without addressing the substantive merits of Applicant's claims.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 23 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARTIN AKERMAN,

Applicant,

v.

WARDEN,

Respondent.

No. 24-6166

ORDER

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

The “petition for permission to file a successive petition for writ of habeas corpus pursuant to 28 U.S.C. § 2244(b)(3),” as supplemented, alleges that the applicant has been detained and falsely imprisoned. The applicant’s filings, however, do not show that he meets the custody requirement of 28 U.S.C. §§ 2254(a) or 2255(a), do not show that he is subject to any state or federal criminal proceedings within the Ninth Circuit, and do not identify a prior proceeding under §§ 2254 or 2255 that was adjudicated on the merits. Instead, the filings appear to challenge the applicant’s suspension from the National Guard Bureau and allege other adverse employment actions. We therefore do not consider the application, as supplemented, because the gatekeeping provisions of 28 U.S.C. §§ 2244(b) and 2255(h) are inapplicable.

All pending motions are denied.

The clerk will close this original action.

No further filings will be entertained in this case.

In The
Supreme Court of the United States

MARTIN AKERMAN,
CHIEF DATA OFFICER
OF THE NATIONAL GUARD BUREAU, PRO SE

Petitioner,

v.

WARDEN,
NEVADA AIR NATIONAL GUARD

Respondent.

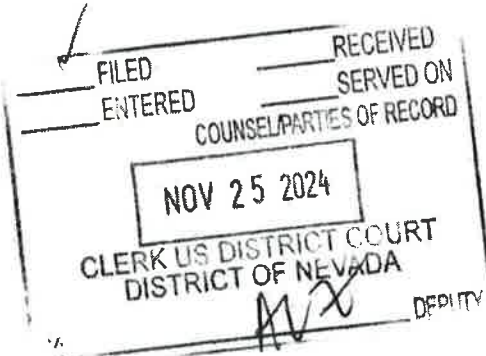
**APPENDIX B:
MOTION TO COMMEND NINTH CIRCUIT
AND REQUEST CASE LINKAGE
(November 25, 2024)**

This document demonstrates Applicant's proactive efforts to coordinate judicial review across jurisdictions. It underscores the procedural interdependence of related cases and the necessity of judicial intervention to ensure comprehensive and fair adjudication.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

IN RE: Martin Akerman

9th Cir. Habeas Case No. 2024-6166



Agency Name MSPB

Agency Case No. DC-1221-25-0140-W-1

DC-1221-25-0140-S-1

(attached)

**MOTION TO COMMEND THE HABEAS COURT AND
REQUEST LINKING OF CASES
FOR BRIEFING AND INTERIM RELIEF**

COMES NOW the Plaintiff, Martin Akerman, pro se and in forma pauperis, respectfully submitting this motion to:

1. Commend this Honorable Habeas Court for its exemplary diligence and commitment to providing an appropriate venue to oversee complex federal/state habeas corpus proceedings.
2. Request linkage of this case with Ninth Circuit Case No. 2024-6975 (Akerman v. Merit Systems Protection Board) for briefing and argument consideration due to overlapping issues.
3. Request interim relief to ensure timely administrative and judicial remedies are preserved by asking this Court to issue an order requesting the Federal Circuit to direct the Merit Systems Protection Board (MSPB) to expedite Stay Request No. DC-1221-25-0140-S-1, through its mandamus case No. 2025-107.

9th Cir. Habeas Case No. 2024-6166

Page 2

I. COMMENDATION OF THE HABEAS COURT

The Plaintiff acknowledges the Ninth Circuit's exceptional effort in addressing the procedural and jurisdictional complexities in Case No. 2024-6166. Your diligence ensures that important habeas corpus rights are protected in alignment with statutory and constitutional principles. Thank you.

I extend my sincere gratitude to Justice Kagan for her thoughtful consideration of my application (24A430) to suspend the effect of the denial of the petition for writ of habeas corpus 24-83. Her decision to refer the matter to the Court and distribute it for the Conference of December 6, 2024, for oversight, is deeply appreciated.

II. LEGAL BASIS FOR LINKING CASES

The Plaintiff respectfully requests the Court to link Case No. 2024-6166 with Case No. 2024-6975 for consolidated briefing and argument. Both cases address overlapping legal and factual issues regarding federal tenure, whistleblower protections, and improper administrative actions under the Merit Systems Protection Board. Consolidating these cases would promote judicial efficiency, reduce redundancy, and ensure comprehensive resolution of interrelated matters.

In the context of the Merit Systems Protection Board, cases involving federal tenure, whistleblower protections, and improper administrative actions often share common legal and factual issues, making them suitable for consolidation under these rules and statutes. The consolidation of such cases helps streamline the litigation process, reduce duplication of efforts, and ensure consistent rulings on similar issues, 5 U.S.C. § 7701.

III. REQUEST FOR INTERIM RELIEF

The Plaintiff respectfully seeks interim relief, asking this Court to request the Federal Circuit—who lacks habeas jurisdiction—to oversee Stay Request No. DC-1221-25-0140-S-1 at the MSPB, through mandamus jurisdiction established in Federal Circuit Case Nos. 2024-130 CLOSED, 2024-146 CLOSED, and 2025-107.

- This request to the Federal Circuit, once executed, would render replevin, case 2:24-cv-01734-RFB-DJA, in the U.S. District Court for the District of Nevada, moot.
- This request to the Federal Circuit, once executed, would render Mandamus Case 24-443 in The Supreme Court of the United States, moot.

The stay request is essential for protecting the Plaintiff's rights under the Civil Service Reform Act and the Whistleblower Protection Enhancement Act. The improper delay in addressing the stay request continues to exacerbate the harm to the Plaintiff, depriving him of critical protections and administrative remedies. Immediate action by the Federal Circuit would ensure compliance with statutory mandates and preserve the integrity of the pending proceedings.

9th Cir. Habeas Case No. 2024-6166

Page 4

V. RELIEF REQUESTED

The Plaintiff respectfully requests this Honorable Court to:

- A. Recognize the Habeas Court's efforts to safeguard habeas corpus rights and procedural fairness.
- B. Provide clarity and transparency in the ORDER disposing of this case, in a manner that will support the enforcement of Petitioner's legal insurance contract, currently on appeal for breach of contract, and interim relief of enforcement, in the Supreme Court of Virginia, see related U.S. Supreme Court Case Nos. 23-6814, 23-6815, and 24-339.
- C. Link Case Nos. 2024-6166 and 2024-6975 for briefing and argument.
- D. Request the Federal Circuit to direct the MSPB to expedite Stay Request No. DC-1221-25-0140-S-1, through its mandamus case No. 2025-107.
- E. Grant any additional relief the Court deems just and appropriate

Respectfully submitted,

MARTIN ALGERMAN

Name

2001 NORTH ADAMS STREET, 440

ARLINGTON, VA 22201

Address



Signature

11/21/2024

Date

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Jurat

Document Date: 11/21/2024

Number of Pages (including notarial certificate): 57

State of Florida

County of Lake

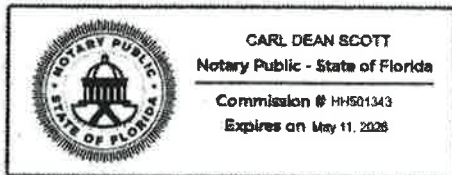
Sworn to (or affirmed) and subscribed before me by means of online notarization,
this 11/21/2024 by Martin Akerman.

Personally Known OR Produced Identification

Type of Identification Produced DRIVER LICENSE

Carl Dean Scott

Carl Dean Scott



Notarized remotely online using communication technology via Proof.

In The
Supreme Court of the United States

MARTIN AKERMAN,
CHIEF DATA OFFICER
OF THE NATIONAL GUARD BUREAU, PRO SE

Petitioner,

v.

WARDEN,
NEVADA AIR NATIONAL GUARD

Respondent.

**APPENDIX C:
MOTION TO HOLD CASE IN ABEYANCE
(December 18, 2024)**

This motion requests a 180-day abeyance to resolve jurisdictional conflicts, including issues under the EEOC, OSC, and MSPB investigations. It also highlights the need to coordinate proceedings in the Fourth Circuit, Ninth Circuit, and District of Nevada. It underscores the necessity of keeping the habeas petition open to allow resolution of overlapping jurisdictional issues and administrative remedies.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

IN RE: Martin Akerman

9th Cir. Habeas Case No. 2024-6166

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
CC: INSEL PARTIES OF RECORD	
DEC 18 2024	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <i>ALZ</i>	DEPUTY

Agency Name MSPB

Agency Case No. DC-1221-25-0140-W-1

DC-1221-25-0140-S-1

(attached)

STATUS UPDATE AND MOTION TO HOLD CASE IN ABEYANCE

**TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT:**

I. Status Update

Petitioner Martin Akerman, appearing pro se, submits this status update and motion to hold Case No. 2024-6166 in abeyance to allow ongoing administrative investigations, resolution of jurisdictional conflicts, and judicial coordination necessary to fully address the issues underlying this habeas petition.

9th Cir. Habeas Case No. 2024-6166

Page 2

Pending Investigations and Judicial Coordination

Res Judicata Concerns: Resolving jurisdictional questions under res judicata is critical to ensuring the EEOC and MSPB investigations proceed without undue delay or prejudice. The Fourth Circuit (Case No. 2024-1943) is concurrently reviewing these jurisdictional issues, including challenges tied to overlapping administrative and judicial remedies. The requested 180-day period allows the Fourth Circuit time to free the case or clarify the scope of the administrative record.

EEOC Investigation: On December 13, 2024, the EEOC initiated its review of Petitioner's claims, which include violations under the Age Discrimination in Employment Act (ADEA), the Rehabilitation Act, and Title VII. These claims specifically address systemic retaliation and discrimination. The EEOC is also assessing the issuance of a Right to Sue letter for claims held by the MSPB under DC-0752-22-0376-I-1, involving retaliatory motives.

Office of Special Counsel (OSC): The OSC reopened its proceedings on December 11, 2024, to investigate whistleblower retaliation claims, procedural violations, and the MSPB's noncompliance with statutory requirements under the Whistleblower Protection Enhancement Act (WPEA).

9th Cir. Habeas Case No. 2024-6166

Page 3

Interrelated Judicial Actions

Ninth Circuit Appeals Nos. 2024-6975 and 2024-6641:

- Case No. 2024-6975 addresses MSPB claims and OSC compliance under the WPEA.
- Case No. 2024-6641 addresses EEOC claims under the ADEA, the Rehabilitation Act, and Title VII, specifically focusing on the pending issuance of a Right to Sue letter.

District of Nevada Case No. 2:24-cv-01602:

- Procedural developments include an order granting leave to amend by January 17, 2025, addressing whistleblower-related jurisdictional issues. An objection to R&R and request for extension was filed on December 11, 2024.

II. Motion to Hold Case in Abeyance

A. Legal Basis for Abeyance

Petitioner requests that the Court hold this case in abeyance under its inherent authority to manage its docket. The requested 180-day abeyance period allows:

- **Resolution of Res Judicata:** The Fourth Circuit and related administrative agencies (EEOC and OSC) require this time to investigate and clarify overlapping jurisdictional issues, ensuring that Case No. 2024-6641 retains unquestioned jurisdiction to address EEOC claims.
- **Administrative Remedies:** The EEOC and OSC need sufficient time to complete their investigations into whistleblower retaliation, systemic discrimination, and procedural violations.

9th Cir. Habeas Case No. 2024-6166

Page 4

- **Judicial Economy and Fairness:** Avoidance of parallel proceedings and conflicting rulings preserves procedural integrity and ensures fairness to all parties.

B. 180-Day Abeyance Request

Petitioner proposes a 180-day abeyance period, aligning with statutory timeframes under 42 U.S.C. § 2000e-5(f)(1) for the EEOC to complete its investigation or issue a Right to Sue letter. This period also permits the OSC and MSPB to complete their evaluations and resolve matters with retaliatory implications.

C. Coordination with Related Appeals

Petitioner requests this Court to link the present case with Ninth Circuit Appeals Nos. 2024-6975 and 2024-6641, ensuring comprehensive adjudication of intertwined habeas, EEOC, and whistleblower claims. This coordination will allow judicial and administrative clarity in determining appropriate remedies.

9th Cir. Habeas Case No. 2024-6166

Page 5

III. Conclusion and Prayer for Relief

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Hold Case No. 2024-6166 in abeyance for 180 days to allow resolution of res judicata issues, administrative investigations, and coordination with related appeals.
- B. Link this case with Ninth Circuit Appeals Nos. 2024-6975 and 2024-6641 for coordinated handling.
- C. Grant any other relief deemed just and proper.

Respectfully submitted,

MARTIN AKERMAN
 Name
2001 North Adams Street, 440
Arlington, VA 22201
 Address

[Signature]
 Signature
12/15/2024
 Date



County/City of Arlington
 Commonwealth/State of Virginia
 The foregoing instrument was acknowledged
 before me this 15 day of Dec.
2024, by
Martin Akerman
 (name of person seeking acknowledgement)
[Signature]
 Notary Public
 My Commission Expires: 5/24/2025

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
CLERK OF RECORD	
DEC 18 2024	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>ALZ</u>	DEPUTY

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

IN RE: Martin Akerman


9th Cir. Habeas Case No. 2024-6166


CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2024, I served a copy of the foregoing motion via USPS Priority Mail to the following parties:






- Clerk of Habeas Court 2024-6166, Ninth Circuit Court of Appeals,
95 Seventh Street San Francisco, CA 94103
- Clerk of Court, Fourth Circuit Court of Appeals,
1100 E Main Street, Suite 501, Richmond, VA 23219
- Clerk of Court, Federal Circuit Court of Appeals,
717 Madison Place, NW, Washington, DC 20439
- Clerk of the Court, Supreme Court of Nevada,
201 South Carson Street, Suite 201, Carson City, NV 89701
- Civil Clerk Office, US District Court, District of Nevada, Las Vegas
333 Las Vegas Blvd South, Las Vegas, NV 89101-7065







MARTIN AKERMAN
 Name
200 North Hias Street, 410
Arlyton, VA 22201
 Address


 Signature
12/15/2024
 Date

 Click-N-Ship®	
	USPS.COM \$9.00 US POSTAGE
9405 5301 0935 5074 2265 94 0090 0001 0002 3219	
Mailed from 22201 0632605298985520	
PRIORITY MAIL®	
MARTIN AKERMAN 2001 N ADAMS ST UNIT 440 ARLINGTON VA 22201-3783	
12/19/2024 Flat Rate Envelope RDC 03 C003	
 US COURT OF APPEALS - FOURTH CIR CLERK STE 501 1100 E MAIN ST RICHMOND VA 23219-3538	
USPS TRACKING #	
	
9405 5301 0935 5074 2265 94	
	







Cut on dotted line.








 Click-N-Ship®	
	USPS.COM \$9.00 US POSTAGE
9405 5301 0935 5074 2265 00 0090 0001 0002 0439	
Mailed from 22201 110588643902469	
PRIORITY MAIL®	
MARTIN AKERMAN 2001 N ADAMS ST UNIT 440 ARLINGTON VA 22201-3783	
12/19/2024 Flat Rate Envelope RDC 03 C000	
 US COURT OF APPEALS - FEDERAL CIRCUIT CLERK OF THE FEDERAL CIRCUIT 717 MADISON PL NW WASHINGTON DC 20439-0001	
USPS TRACKING #	
	
9405 5301 0935 5074 2266 00	
	


 Click-N-Ship®	
	usps.com \$9.00 US POSTAGE
12/15/2024 PRIORITY MAIL®	9405 5301 0935 5074 2265 70 0090 0001 0008 9101 
Mailed from 22201 804920122000389	
MARTIN AKERMAN 2001 N ADAMS ST UNIT 440 ARLINGTON VA 22201-3783	
12/19/2024 Flat Rate Envelope RDC 03 C075	
 CIVIL CLERK OFFICE US DISTRICT COURT NEVADA 333 LAS VEGAS BLVD S LAS VEGAS NV 89101-7065	
USPS TRACKING #	
	
9405 5301 0935 5074 2265 70	
	



Cut on dotted line.

 Click-N-Ship®	
	usps.com \$9.00 US POSTAGE
12/15/2024 PRIORITY MAIL®	9405 5301 0935 5074 2265 63 0090 0001 0008 9701 
Mailed from 22201 922599115766319	
MARTIN AKERMAN 2001 N ADAMS ST UNIT 440 ARLINGTON VA 22201-3783	
12/19/2024 Flat Rate Envelope RDC 03 C003	
 SUPREME COURT OF NEVADA CLERK'S OFFICE STE 201 201 S CARSON ST CARSON CITY NV 89701-4780	
USPS TRACKING #	
	
9405 5301 0935 5074 2265 63	
	

 Click-N-Ship®	
	usps.com \$9.00 US POSTAGE
12/15/2024 PRIORITY MAIL®	9405 5301 0935 5074 2285 87 0090 0001 0009 4103  Mailed from 22201 084054145637541 
MARTIN AKERMAN 2001 N ADAMS ST UNIT 440 ARLINGTON VA 22201-3783	
12/19/2024 Flat Rate Envelope RDC 03 <div style="border: 1px solid black; padding: 2px; display: inline-block;">C021</div>	
 CLERK OF THE NINTH CIRCUIT COURT OF AP MOLLY DWYER 95 7TH ST SAN FRANCISCO CA 94103-1518	
USPS TRACKING #  9405 5301 0935 5074 2285 87	
HABEAS COURT 2024- 	



 Cut on dotted line.

In The
Supreme Court of the United States

MARTIN AKERMAN,
CHIEF DATA OFFICER
OF THE NATIONAL GUARD BUREAU, PRO SE

Petitioner,

v.

WARDEN,
NEVADA AIR NATIONAL GUARD

Respondent.

**APPENDIX D:
ORDER DENYING MOTION
(December 20, 2024)**

This document illustrates procedural obstacles faced by Applicant due to jurisdictional conflicts and underscores the importance of coordination between related proceedings in the Ninth Circuit and other courts. It supports the argument for a stay to ensure all claims are properly adjudicated, substantiating Applicant's arguments regarding procedural defects, ongoing harm, and the necessity of judicial coordination.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTIN AKERMAN,
Plaintiff,

v.

CAESAR GARDUNO, BRETT BASLER, *et al.*,
Defendants.

Case No. 2:24-cv-01602-GMN-EJY

ORDER

Pending before the Court is Plaintiff's Status Update and Motion to Hold Case in Abeyance. ECF Nos. 40, 41. As has been explained to Plaintiff in the Court's recent Order, Plaintiff filed his Motion in the wrong court. Plaintiff **must** file his request in the Ninth Circuit Court of Appeals. Plaintiff is directed to the instructions for filing his Motion before the Ninth Circuit Court.

Accordingly, Plaintiff's Status Update and Motion to Hold Case in Abeyance (ECF Nos. 40, 41) are DENIED. Plaintiff is directed to file his Motion before the Ninth Circuit Court of Appeals.

Dated this 20th day of December, 2024.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE


PROOF OF SERVICE

I, Martin Akerman, certify that on the 23rd day of December 2024, I served the foregoing Application for a Stay and Appendices upon the Clerk of the Supreme Court of the United States by personal delivery to the Clerk's Office at 1 First Street, NE, Washington, DC 20543. An original and ten copies were provided, prepared in accordance with the Court's Rules. Service was completed upon receipt by the Clerk's Office.

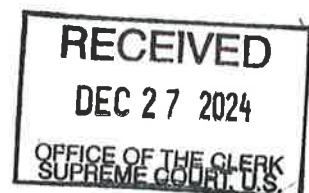
Additionally, I served the Nevada Attorney General, the Solicitor General of the United States, and Ninth Circuit Habeas Court 2024-6166, by Priority Mail. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23rd day of December, 2024.

Respectfully Submitted,



Martin Akerman, Pro Se
2001 North Adams Street, 440
Arlington, VA 22201





Click-N-Ship®

P

usps.com
\$9.00
US POSTAGE

9405 5301 0935 5080 4784 37 0090 0001 0009 4103



12/23/2024

Mailed from 22201 047094212581521

PRIORITY MAIL®

REBECCA AND MARTIN
UNIT 440
2001 N ADAMS ST
ARLINGTON VA 22201-3783

12/27/2024
Flat Rate Envelope
RDC 03
C021



CLERK OF THE NINTH CIRCUIT COURT OF AP
MOLLY DWYER
95 7TH ST
SAN FRANCISCO CA 94103-1518

USPS TRACKING #



9405 5301 0935 5080 4784 37

HABEAS COURT 2024-



Click-N-Ship®

P

usps.com
\$9.00
US POSTAGE

9405 5301 0935 5080 4784 51 0080 0001 0008 9701



12/23/2024

Mailed from 22201 565958246760031

PRIORITY MAIL®

REBECCA AND MARTIN
UNIT 440
2001 N ADAMS ST
ARLINGTON VA 22201-3783

12/23/2024
Flat Rate Envelope
RDC 03
C003



STATE OF NEVADA - ATTORNEY GENERAL
100 N CARSON ST
CARSON CITY NV 89701-4717

USPS TRACKING #



9405 5301 0935 5080 4784 51



Cut on dotted line.





Click-N-Ship®

P

usps.com
\$9.00
US POSTAGE

9405 5301 0935 5080 4784 44 0090 0001 0002 0530



12/23/2024

Mailed from 22201 084574266214685

PRIORITY MAIL®

REBECCA AND MARTIN
UNIT 440
2001 N ADAMS ST
ARLINGTON VA 22201-3783

12/23/2024
Flat Rate Envelope
RDC 03
C000



OFFICE OF THE SOLICITOR GENERAL U.S. DEPT. OF JUSTICE
950 PENNSYLVANIA AVE NW
WASHINGTON DC 20530-0001

USPS TRACKING #



9405 5301 0935 5080 4784 44



Cut on dotted line.

