

24A731

No. \_\_\_\_\_ (24A278, 24-443, 24-339, 23-7127)

Supreme Court, U.S.  
FILED

JAN - 4 2025

OFFICE OF THE CLERK

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In The  
*Supreme Court of the United States*

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

*Petitioner,*

v.

WARDEN,  
NATIONAL GUARD BUREAU

*Respondent.*

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To the Honorable Chief Justice  
of the Supreme Court of the United States,  
and Circuit Justice for the Federal Circuit

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APPLICATION FOR A STAY

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

RECEIVED

JAN 10 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## QUESTIONS PRESENTED

- Whether the lower courts' refusal to consolidate related appeals and issue rulings on pending motions for a stay, including in MSPB Case No. DC-0752-23-0457-S-1, deprives Petitioner of procedural clarity and fair adjudication of critical statutory and constitutional claims.
- Whether the overlapping jurisdictional conflicts between state and federal courts, including violations of the Posse Comitatus Act and whistleblower protection statutes, require this Court's intervention to ensure the proper application of federal law and uniformity in judicial review.
- Whether the denial of oral argument and submission of Petitioner's case on briefs without addressing critical procedural deficiencies violates the principles of fundamental fairness and access to justice.

**RELATED SUPREME COURT CASES**Case No. 24-443

The petitioner, Martin Akerman, raised critical issues pointing to presumptive corruption in the Federal Circuit's handling of his appeal (Case No. 2024-130). Specifically, Akerman argued that the Federal Circuit's failure to recognize the correct filing date of May 20, 2024, and its reliance on subsequent Merit Systems Protection Board (MSPB) orders issued on May 29, 2024, improperly influenced the jurisdictional posture of his case. The petitioner also highlighted the court's refusal to correct the case caption, which misrepresented the nature of the appeal and undermined his ability to address critical federal tenure, due process, and whistleblower protection claims. Akerman seeks mandamus relief to rectify these procedural errors, prevent potential judicial misconduct, and ensure the integrity of related cases pending in multiple courts.

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.

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. In *Culley v. Marshall*, 143 S. Ct. 1203 (2024), this Court reaffirmed that federal courts possess broad equitable authority to address procedural deficiencies that compromise property rights and due process. Similarly, in *United States v. \$8,850 in U.S. Currency*, 461 U.S. 555 (1983), the Court underscored the necessity of judicial intervention to prevent irreparable harm arising from delays in administrative or judicial proceedings.

Alternatively, this Court may exercise its supervisory authority to address extraordinary circumstances that jeopardize the integrity of federal judicial and administrative processes, ensuring adherence to procedural fairness and constitutional protections.

## **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 to address the jurisdictional and procedural deficiencies in Case No. 2024-1926, culminating in the denial of fundamental rights to due process, effective judicial review, and access to justice. This application is necessary to preserve the status quo and prevent further irreparable harm while ensuring the proper adjudication of issues involving whistleblower protections, federal tenure rights, and constitutional safeguards.

## **BACKGROUND**

Petitioner, the Chief Data Officer of the National Guard Bureau, has been subject to a series of administrative and judicial proceedings marked by overlapping jurisdictional conflicts and procedural irregularities. These issues stem from Petitioner's allegations of whistleblower retaliation, constructive discharge, improper security clearance actions, and violations of constitutional rights.

### Key procedural failures include:

**Denial of Consolidation:** Despite the overlapping issues, the Federal Circuit denied Petitioner's motions to consolidate appeals in Case Nos. 2024-1912 and 2024-1926. This refusal undermines judicial economy and creates procedural ambiguity, leaving Petitioner without clear avenues for relief.

**Failure to Rule on Stay Motion:** In MSPB Case No. DC-0752-23-0457-S-1, the lower court failed to address Petitioner's stay motion, further compounding the uncertainty surrounding ongoing proceedings.

**Lack of Oral Argument:** The Federal Circuit's decision to submit the case on briefs without oral argument denied Petitioner an opportunity to clarify critical legal and procedural points.

### **LEGAL BASIS FOR STAY**

Petitioner meets the criteria for a stay under the established balancing test:

#### Likelihood of Success on the Merits

Petitioner has presented compelling arguments demonstrating procedural errors and substantive violations, including:

- Failure to consolidate cases with overlapping legal issues.
- Denial of procedural safeguards under the Due Process Clause.
- Misapplication of jurisdictional principles, leading to delays and prejudicial outcomes.



These issues implicate fundamental rights and statutory protections, underscoring the need for this Court's intervention.

Irreparable Harm

Absent a stay, Petitioner faces ongoing harm, including:

- Irretrievable loss of procedural and statutory rights.
- Continued stigma and career damage from unresolved administrative actions.
- Prejudice in pending appeals due to procedural irregularities.

No Substantial Injury to Respondent

A stay will not materially prejudice the Respondent, as it merely preserves the status quo pending resolution of substantive issues.

Public Interest

The public interest strongly supports judicial oversight to ensure that administrative and judicial processes uphold constitutional rights, statutory protections, and procedural fairness. This case raises important questions about the accountability of military and administrative bodies in handling whistleblower claims and federal employee rights.

**REQUESTED RELIEF**

Petitioner respectfully requests that this Court:

Issue a Stay:

Halt all proceedings in Case No. 2024-1926 pending resolution of related appeals and procedural deficiencies.

Consolidate Related Cases:

Direct the lower courts to consolidate Case Nos. 2024-1912, 2024-1926, and related matters to promote judicial efficiency and avoid inconsistent rulings.

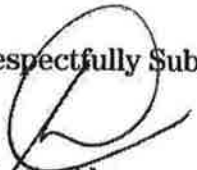
Address Procedural Deficiencies:

Order the lower courts to issue explicit rulings on pending motions, including the stay request in MSPB Case No. DC-0752-23-0457-S-1, see Supreme Court docket 23-7127.

**CONCLUSION**

This case presents extraordinary circumstances warranting this Court's intervention to preserve procedural integrity and protect fundamental rights. Petitioner respectfully urges the Court to grant this application for a stay and provide the relief requested.

Respectfully Submitted Under Oath,



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

## **RULE 33.2 CERTIFICATION**

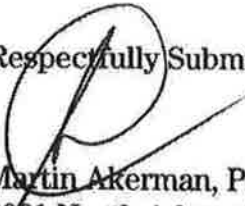
This motion complies with the Court's type-volume limitation as it contains 1,101 words, which is within the word limit for a motion to the Court.

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 4th day of January, 2025.

Respectfully Submitted,



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

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In The  
*Supreme Court of the United States*

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

*Petitioner,*

v.

WARDEN,  
NATIONAL GUARD BUREAU

*Respondent.*

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**APPENDIX A: Federal Circuit Order Denying  
Consolidation (Dec. 23, 2024)**

The Federal Circuit denied Petitioner's motion to consolidate Appeal Nos. 24-1912 and 24-1926, as well as the request for appointment of counsel and oral argument. This decision exacerbates procedural complexity and delays fair adjudication of Petitioner's claims (Document: 45)

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MARTIN AKERMAN,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2024-1926

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Petition for review of the Merit Systems Protection Board in No. DC-0752-23-0457-I-1.

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**ON MOTION**

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PER CURIAM.

**ORDER**

On November 14, 2024, Martin Akerman moved to expedite transfer to the U.S. Court of Appeals for the Ninth Circuit [ECF No. 41].

Subsequently, on December 17, 2024, Mr. Akerman moved to consolidate Appeal Nos. 24-1912 and 24-1926, for appointment of counsel, and for oral argument [ECF No. 44].

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AKERMAN v. MSPB

Upon consideration thereof,  
IT IS ORDERED THAT:  
The motions are denied.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

December 23, 2024  
Date

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In The  
*Supreme Court of the United States*

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

*Petitioner,*

v.

WARDEN,  
NATIONAL GUARD BUREAU

*Respondent.*

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**APPENDIX B: Notice of Submission Without  
Oral Argument (Dec. 17, 2024)**

The Federal Circuit notified Petitioner that the case would proceed without oral argument and be submitted on briefs to a three-judge panel on February 10, 2025. This decision deprives Petitioner of the opportunity to address critical procedural and substantive issues in person (Document: 43)





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

717 MADISON PLACE, N.W.  
WASHINGTON, D.C. 20439

JARRETT B. PERLOW  
CLERK OF COURT

CLERK'S OFFICE  
202-275-8000

2024-1926 - Akerman v. MSPB

**NOTICE OF SUBMISSION WITHOUT ORAL ARGUMENT**

Your case will not be scheduled for oral argument. On February 10, 2025, the Clerk's Office will submit your case to a three-judge panel. The panel will then decide your case based on the argument in the briefs and the materials in the record of your case. This procedure is called "submission on briefs."

Oral argument will not be held if the briefs and the record fully explain the facts and the legal arguments in the case, and oral argument would not help the panel decide the case. Fed. R. App. P. 34(a)(2). In argued and in submitted cases, the panel fully considers all arguments raised by the parties, regardless of whether oral argument occurred.

**Before Your Case is Submitted**

You may file two other documents:

**1. Memorandum in Lieu of Oral Argument**

This Memorandum allows you to discuss any items the opposing party raised in its brief. The Memorandum may not exceed five (5) pages and must be hand- or type-written on 8 1/2 by 11-inch paper.

**The court must receive your Memorandum, should you choose to file one, no later than 01/21/2025.**

**2. Motion Requesting Oral Argument**

You may choose to file a motion explaining why oral argument would help the court decide your case. If your motion for oral argument is granted, the argument would be scheduled for hearing on the same date that your case is scheduled to be submitted to the court. The Clerk's Office will notify you if the panel allows argument in your case.

**If you choose to file a Motion, please file one signed original motion by 01/21/2025.**

### **When Your Case is Submitted**

Your case will be one of several cases that will be submitted to the panel on the submission date. Some of these cases will be argued and some will also be submitted without argument.

Because your case is being submitted without oral argument, you do not need to attend the court session. The panel will not discuss your case during the court session. Neither you nor the opposing party will have an opportunity to speak to the panel.

### **After Your Case is Submitted**

The panel will review the briefs and other materials in the record of your case. The panel of judges will then issue a written decision in your case. In some cases, the panel issues a decision shortly after the submission date. In other cases, the panel may take several months to issue its decision.

Once the panel issues its decision, the Clerk's Office will send you a copy. On the day the panel issues its decision, you will also be able to view your decision on the court's website after 11 a.m. (Eastern) at <http://www.cafc.uscourts.gov/>.

While you may contact the Clerk's Office to see if the panel has issued its decision in your case, the Clerk's Office does not know ahead of time when the panel will decide your case. The Clerk's Office cannot influence how quickly or when the panel decides your case.

### **Additional Assistance**

If you have any questions about this notice or your case, please contact the Clerk's Office at (202) 275-8035. Please continue to contact the Clerk's Office for all communications to the court about your case or other matters.

FOR THE COURT

December 17, 2024



Jarrett B. Perlow  
Clerk of Court

By: M. Lichtenberg, Deputy Clerk

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In The  
*Supreme Court of the United States*

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

*Petitioner,*

v.

WARDEN,  
NATIONAL GUARD BUREAU

*Respondent.*

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**APPENDIX C: Order Partially Granting Motion  
for Reconsideration (Nov. 19, 2024)**

The Federal Circuit granted Petitioner's motion only to the extent of waiving paper copy requirements for the informal opening brief and reply brief. The underlying procedural concerns, including the stay request, remain unaddressed (Document: 42)

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MARTIN AKERMAN,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2024-1926

---

Petition for review of the Merit Systems Protection Board in No. DC-0752-23-0457-I-1.

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**ON MOTION**

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PER CURIAM.

**ORDER**

Upon consideration of Martin Akerman's filing docketed at ECF No. 39, which the court construes as a motion for reconsideration of this court's November 1, 2024 order,

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AKERMAN v. MSPB

**IT IS ORDERED THAT:**

The motion is granted only to the extent that the paper copy requirement for the informal opening brief with appendix and informal reply brief with appendix is waived.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

November 19, 2024  
Date

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In The  
*Supreme Court of the United States*

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

*Petitioner,*

v.

WARDEN,  
NATIONAL GUARD BUREAU

*Respondent.*

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**APPENDIX D: Petitioner's Motion for Stay  
Decision and Procedural Clarification  
(Nov. 1, 2024)**

Petitioner sought explicit rulings on the stay request in MSPB Case No. DC-0752-23-0457-S-1, clarification of document requirements, and an extension to submit paper copies. The lack of response to these procedural motions illustrates a failure to provide clarity and fairness (Document: 39)

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

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November 1, 2024

Martin Akerman, pro se

Appellant,

v.

MSPB (Federal Circuit Rule 32(a)),

Appellee.

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**MOTION FOR DECISION ON STAY REQUEST DC-0752-23-0457-S-1,  
SPECIFIC REFERENCE TO ECF FILES REQUIRED FOR PRINTING,  
AND FOR EXTENSION OF TIME TO SUBMIT PAPER COPIES**

Martin Akerman, Appellant pro se, respectfully submits this motion to request:

**1. A Decision on Stay Request in Case DC-0752-23-0457-S-1**

I request that the Court issue an explicit decision on the pending stay request in Case DC-0752-23-0457-S-1, which was omitted from the recent order. A clear ruling on this stay request is essential for procedural clarity and for understanding the case's immediate status, see ECF 19, 29, 33.

**2. Specific Reference to ECF Files Required for Paper Copies**

In compliance with Federal Circuit Rule 25(c)(3)(A), I respectfully request specific reference to the ECF files that the Court requires in paper form. This will ensure accurate compliance with the Court's requirements and avoid the duplication of documents that may already be on record.

**3. Extension of Time for Submitting Required Paper Copies**

Given the need for clarification regarding which documents I am responsible for submitting versus those required from the agency, I request an extension until November 11, 2024, to file the necessary six paper copies. This extension will allow me time to purchase the required materials and fulfill the Court's specifications accurately.

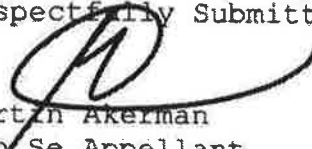


**4. Pending Supreme Court Conference on Related Stay Request**

I also bring to the Court's attention the related pending stay request in the Supreme Court, Case No. 24A332, titled Martin Akerman, Applicant v. United States Court of Appeals for the Federal Circuit (24-1915; 24-146; 24-1926). This application, initially submitted to the Chief Justice and subsequently refiled with Justice Kagan, has been distributed for the Supreme Court's conference on November 8, 2024. The outcome of this conference may impact my filing obligations, making the requested extension necessary to avoid premature or redundant submissions.

**WHEREFORE**, I respectfully request that the Court grant this motion for an explicit ruling on the stay request DC-0752-23-0457-S-1, provide specific references to the ECF files needed for printing, and allow an extension until November 11, 2024, to submit the required paper copies.

Respectfully Submitted,

  
Martin Akerman  
Pro Se Appellant  
2001 N Adams St, Unit 440  
Arlington, VA 22201  
(202) 656-5601  
makerman.dod@gmail.com


## **PROOF OF SERVICE**

I, Martin Akerman, certify that on the 4th Day of January, 2025, 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, and the Solicitor General of the United States by Priority Mail. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 4th Day of January, 2025.

Respectfully Submitted,



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

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