

OCT 15 2020

RECEIVED

IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS

PROVIDED TO  
MARTIN CORRECTIONAL INSTITUTION  
ON 10/15/2020  
FOR MAILING

JOHN DAVID WILSON JR  
APPELLANT

CASE NO. 19-3037

-VS-

ROBERT L. WILKIE  
SECRETARY OF VET. AFFAIRS  
APPELLEE

DATE: OCT 1, 2020

DUE TO I REMEMBER FILING A RESPONSE TO THIS COURT ORDER, BUT  
MAILED IT TO THE GENERAL COUNSEL A 810 VERMONT AVE. N.W.  
WASHINGTON D.C. 20420, AND THE GENERAL COUNSEL FAILED TO FORWARD  
MY REPLY TO THIS COURT. THEN MY TIME TO TIMELY APPEAL HAS PASSED  
IT RESPECTFULLY REQUEST TO RECALL THE MANDATE; PLEASE SEE, MANDATE.

MOTION TO RECALL THE MANDATE

COMES NOW THE APPELLANT JOHN DAVID WILSON JR.,  
PRO-SE PURSUANT TO ~~FS~~ FLORIDA STATUTES §43.44 MANDATE OF  
AN APPEALS COURT.

I REMEMBER RETIMELY REPLYING TO THIS COURT LAST ORDER  
BUT MAILING THIS REPLY TO :

~~MARTIN CORRECTIONAL INSTITUTION~~ COURT OF VETERANS CLAIMS  
810 VERMONT AVE N.W.  
WASHINGTON D.C. 20420

IT IS FAIR AND REASONABLE TO CONCLUDE THAT THE

GENERAL COUNSEL, WHOM PROBABLY RECEIVED THIS  
REPLY, FAILED TO FORWARD MY REPLY TO THE COURT  
OF VETERANS CLAIMS

9.

### ARGUMENT

DUE TO BEING A PRO-SE LAYMAN OF THE LAW. I MAILED  
MY REPLY TO THE WRONG ADDRESS, (THE GENERAL COUNSEL  
ADDRESS), AND, THE GENERAL COUNSEL FAILED TO FORWARD  
MY REPLY TO THE COURT OF VETERANS CLAIMS.

I RESPECTFULLY REQUEST TO RECALL THIS MANDATE,  
WHEREBY I'VE BEEN GRANTED A REMAND, I RESPECTFULLY  
REQUEST TO ENFORCE THIS REMAND MANDATE AND RETURN  
MY APPEAL BACK TO THE BOARD OF VETERAN APPEAL.

b.

### LEGAL ARGUMENT

IN FLORIDA STATUTES §43.44 WHICH IN PART STATES,  
"... AN APPELLATE COURT MAY, AS THE CIRCUMSTANCES AND JUSTICE  
OF THE CASE MAY REQUIRE, RECONSIDER, REVISE, REFORM, OR  
MODIFY IT OWN OPINION AND ORDERS FOR THE PURPOSE OF MAKING  
THE SAME ACCORD WITH THE LAW AND JUSTICE.

ACCORDINGLY, AN APPELLATE COURT MAY RECALL IT OWN MANDATE

FOR THE PURPOSE OF ALLOWING IT TO EXERCISE SUCH JURISDICTION AND POWER IN A PROPOSED CASE. A MANDATE MAY NOT BE RECALLED MORE THAN 120 DAYS AFTER IT HAS BEEN ISSUED.

### ANALYSIS

DUE TO MY LAYMAN STATUS AS A PRO-SE LITIGANT, I MAILED THIS COURT RESPONSE TO THE GENERAL COUNSEL, (DUE TO THE GENERAL COUNSEL ADDRESS WAS ON IT REPLY BRIEF).

DUE TO THIS MISTAKE, I WAS TIMELY BUT IN ERROR, TO MAIL IT TO THE WRONG PLACE.

I'M RESPECTFULLY REQUESTING THIS COURT GRANT, PERMISSION, PATIENCE, AND INDULGENCE TO RECALL THE MANDATE DUE TO A CLERICAL MISTAKE ON MY PART BY MAILING THIS COURT REPLY TO THE VA GENERAL COUNSEL.

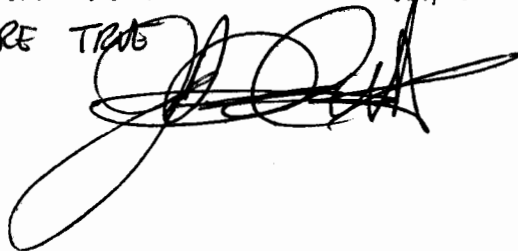
AS §43.44, IS NOT BINDING ON THIS COURT, IT SPIRIT, AND MEANING IS VERY CLOSE TO WHAT I'M REQUESTING. I'M RESPECTFULLY REQUESTING THIS COURT "VERY LIBERALLY" CONSTRUCTING THIS MOTION TO RECALL THE MANDATE

RESPECTFULLY SUBMITTED

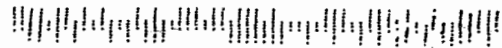
JOHN DAVID WILSON JR #0-74940

OATH / VERIFICATION

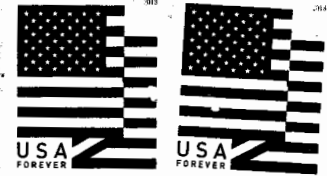
UNDER PENALTIES OF PERJURY, I, JOHN DAVID WILSON JR #0-74940 DECLARES THAT I HAVE READ THE FOREGOING MOTION TO RECALL THE MANDATE AND THAT THE FACTS STATED IN IT ARE TRUE



[REDACTED]



JOHN DAVID WILSON  
MARTIN CORRECTIONAL INSTITUTION  
1150 SW ALLAPATTAH RD  
INDIAN TOWN, FL 34956



PROVIDED TO  
MARTIN CORRECTIONAL INSTITUTION  
ON 10/12/2020  
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[REDACTED]

U.S. COURT OF APPEAL  
625 INDIANA AVE. N.W. SUITE 900  
WASHINGTON D.C. 20004-2950



LEGAL MAIL

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MARTIN CORRECTIONAL INSTITUTION