

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MOTION FOR LEAVE TO FILE

OSCAR JOHNSON — PETITIONER

vs.
UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS; ET AL
— RESPONDENT(S)

ON PETITION FOR ORIGINAL JURISDICTION

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

PETITION FOR ORIGINAL JURISDICTION

OSCAR JOHNSON

P.O. Box 1540

PAHRUMP, NV 89041

702-786-3239

MOTION

1
2 1. THE COURTS PLAY AN INTEGRAL
3
4 ROLE IN MAINTAINING THE RULE OF LAW,
5
6 PARTICULARLY, WHEN, THERE MUST BE
7
8 EQUALITY UNDER THE LAW. THE RULE
9
10 OF LAW IMPLIES THAT EVERY PERSON IS
11
12 SUBJECT TO THE LAW, LAW IS MORE
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14 APT TO DECAY IF A GOVERNMENT
15
16 HAS INSUFFICIENT CORRECTIVE MECHANISMS.

17 This is why Petitioner bring
18
19 This to SUPREME COURT FOR CORRECTNESS,
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21 WHEREBY, ACCESS TO LEGAL REMEDY.

22 2. THE CAVE TERMINATED
23
24 PETITIONER'S APPEAL - WITH A MEMO,
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26 (AN INTER AGENCY - INFORMAL RECORD)
27
28 PLUS, DENIAL OF APPEAL. FURTHERMORE,
CHANGED THE FACE OF A LEGAL DOCUMENT
STATING: NO PUBLICATION AND NO CITING.

1 Now, This is FAR FROM CONGRESSIONAL
2 public LAW.
3

4 PRESENTLY, THE ISSUE IN THIS
5 COURT is: THE VALIDITY OF MEMO'S
6 U.S. COURTS.
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10 THEREFORE, PETITIONER PRAY THAT
11 HONORABLE COURT SEE FIT THAT
12 THERE'S CONTROVERSY, PETITIONER SEEK
13 REDRESS IS THIS HONORABLE SUPREME
14 COURT AS WELL AS THE U.S.
15 CONSTITUTION.
16
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24 DATED: 14 July 2021

25 RESPECTFULLY Submitted.

26 O.A.J.
27 OSCAR JOHNSON
28 P.O. BOX 1540
PAHUMP, NV 89041

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR FRAUD AND CONSPIRATORS TO FRAUD

OSCAR JOHNSON — PETITIONER

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS; et al
— RESPONDENT(S)

ON PETITION FOR AN ORIGINAL JURISDICTION

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

PETITION FOR ORIGINAL JURISDICTION

Oscar Johnson

P.O. Box 1540

Pahrump, NV 89041

702-786-3239

JURISDICTION
U.S. Constitution, Article III,
Clause 2, (CONTROVERSIES - subject
to FEDERAL POWER)

PETITION

Introductory Statement

PETITIONER, COMMENCE this Action FOR
THE SAKE OF THE NATION. THERE
IS NO PRIVATE LAW in the U.S.
GOVERNMENT, THE Constitution DO NOT
ALLOW it; CONGRESS CREATES ONLY
PUBLIC LAW.

1. THE CAVE PRODUCE FRAUDULENT
ACTS (SEE: EXHIBIT-I) LINE 4, AND BECAUSE
THE VETERAN DOES NOT CONTRADICT THE DENIAL OF
SPECIALLY ADAPTED HOUSING - NOW, THIS ISSUE
WAS NOT ON APPEAL BEFORE THIS COURT.
THIS COURT CONSPIRED WITH THE VA-
(BOARD) TO ADDRESS THE CLAIM - FOR

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COPIED. This ALL COMES ABOUT
by the CAVC declaring NO citing
NO Publishing ON the COVER OF ITS
(MEMO'S) - PRODUCTION OF FAKE
GOVERNMENT DOCUMENTS.

2. The Condoning (OVERLOOKING) AND
DEFENDING FRAUD (MEMO'S) by the
DEPARTMENT OF JUSTICE (SEE: EXHIBIT II)

3. The Condoning AND DEFENDING
FRAUD [MEMO] by the U.S. COURT OF
APPEALS FOR THE FEDERAL CIRCUIT (SEE:
EXHIBIT III), PLUS IMPLY'S VA'S INVOKED.

4. The Condoning AND DEFENDING; PRODUCING
FRAUD TO AID (MEMO) OF CAVC, (SEE:
EXHIBIT IV) FOR THE U.S.

DEPARTMENT OF VETERANS AFFAIRS
INVOLVEMENT IN PRODUCTION OF MEMO.

NOW, WHEREAS, THE FEDERAL CIRCUIT
OFFERED NO FINALITY IN HOLDING THAT
PROBABLE CAUSE DID NOT EXIST FOR

1 APPEAL to be heard.
2
3

4 ARGUMENT 5

6 NOTWITHSTANDING, THE RIGHTS OF
7 THE CONSTITUTION, yet, in this instant
8 the NATION'S WELFARE AS A whole, "
9 ALWAYS has the PRIORITY - "ONE NATION".
10 BE it DEFENSE OR NOT. WHENEVER,
11 THE RIGHTS AND SAFETY OF A NATION
12 IS put in jeopardy - THEN - ANY
13 PURSUIT BECOME AN URGENT "PURSUIT".
14 OUR CONSTITUTION WILL AFFORD OUR
15 RATIONALISM. THEREFORE, PETITIONER STAND
16 FOR the conduct AND INJURY this
17 (MEMO) is CAUSING PETITIONER; OTHERS.
18
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23 RELIEF SOUGHT

24 ACTUAL DAMAGES
25 FOUR MILLION SIX HUNDRED TWENTY
26 THOUSAND - FOR back-pay owed FOR
27 55 YEARS, FROM (August) 12, 1966) 4,620,000.
28

PUNITIVE DAMAGES
\$25,000,000, TWENTY FIVE MILLION
EACH DEFENDANT - FOR HARM, INJURIES,
AND SUFFERING.

CONCLUSION

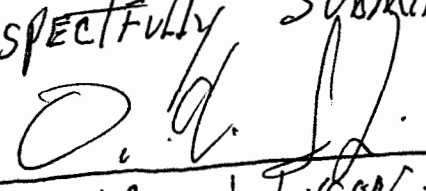
IN this (MEMO) - the CAVE addressed
NO issue in its CONTENT, BEFORE the COURT,
but, did ADDRESS AN issue NOT
BEFORE this COURT.

PETITIONER waited and waited, FOR A
FINAL DECISION, AFTER so long petitioner
CALLS the COURT, and the COURT stated,
THE "MEMO" - is the FINAL DECISION (
WITH NO APPEAL NOTICE).

WHAT OF THOSE that COMMIT
THE GREATEST CRIME OF THE LAND?
EVERYONE that PETITIONER KNOWS in
THE U.S. GOVERNMENT took the SAME
(OATH), AND, when (IF), you STEP
OUTSIDE OF your (OATH) you BECOME
UNLAWFUL.

PRAYER

WHEREFORE, PETITIONER PRAY THAT
THIS HONORABLE COURT FIND THAT
THIS MEMO DOES NOT AMOUNT TO
CONSTITUTIONAL STANDARDS AND AWARD
PETITIONER RELIEF FOR THE HARM,
INJURIES AND SUFFERING THESE ATROCITIES
ARE CAUSING.

Dated: 14 July 2021 Respectfully Submitted,

OSCAR JOHNSON - IN ROSE
P.O. BOX 1540
PALMUP, NV 89041

EXhibits

EXhibit I

AND MORE FRAUD

Designated for electronic publication only

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-2840

OSCAR JOHNSON, APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before TOTH, *Judge*.

MEMORANDUM DECISION

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

TOTH, *Judge*: Veteran Oscar Johnson served in the Army from 1964 to 1967. He appeals an April 2019 Board decision that adjudicated nine issues and remanded nine more. The Court has no jurisdiction over the matters remanded. *See Martinez v. Wilkie*, 31 Vet.App. 170, 173 n.2 (2019). And because the veteran does not contest the Board's denial of specially adapted housing or an increased rating for tinnitus, the appeal of those matters is dismissed. *See Pederson v. McDonald*, 27 Vet.App. 276, 283 (2015) (en banc). The remaining issues before the Court are two claims to reopen previously denied claims and five requests for earlier effective dates for service-connected conditions. The Court notes at the outset that it generally construes pro se filings sympathetically and has done so here, *see Gomez v. McDonald*, 28 Vet.App. 39, 43 n.1 (2015), but this favorable practice does not relieve the veteran of his burden to demonstrate that the Board committed prejudicial error, *see Abbott v. O'Rourke*, 30 Vet.App. 42, 48 (2018).

I. CLAIMS TO REOPEN

The first issue raised on appeal deals with the Board's denial of Mr. Johnson's request to reopen his claim for service connection for a low back disability. The veteran has pursued service connection for a low back disability since at least 1988, and this endeavor has included numerous

BX. I

EXhibit II

FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ENTRY OF APPEARANCE

Case Number: 2021-1773Short Case Caption: Johnson v. McDonough

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DENIS MCDONOUGH, Secretary of Veterans Affairs

Principal Counsel: Michael D. Snyder

Admission Date:

Firm/Agency/Org.: United States Department of Justice, Commercial Litigation Branch

Address:

PO Box 480, Ben Franklin Station, Washington, DC 20044Phone: (202) 616-0842Email: Michael.Snyder@usdoj.gov

Other Counsel:

Admission Date:

Firm/Agency/Org.:

Address:

Phone:

Email:

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 4/5/21Signature: /s/ Michael D. SnyderName: Michael D. Snyder

EX. II

Exhibit III

NOTE: This order is nonprecedential.

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

OSCAR JOHNSON,
Claimant-Appellant

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2021-1773

Appeal from the United States Court of Appeals for
Veterans Claims in No. 19-2840, Judge Joseph L. Toth.

PER CURIAM.

ORDER

The Secretary of Veterans Affairs responds to the court's April 16, 2021 show cause order and urges dismissal. Oscar Johnson opposes dismissal.

On May 26, 2020, the United States Court of Appeals for Veterans Claims entered judgment in this case. The Veterans Court received Mr. Johnson's notice of appeal on

EX. III - P.1

February 8, 2021, 258 days after entry of judgment.* Mr. Johnson's response states that he "waited on [the] final decision, but it never came." Resp. at 2.

To be timely, a notice of appeal must be received by the Veterans Court within 60 days of the entry of judgment. *See* 38 U.S.C. § 7292(a); *see also* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). That statutorily prescribed deadline is jurisdictional. *See Wagner v. Shinseki*, 733 F.3d 1343, 1348 (Fed. Cir. 2013). As such, where, as here, a notice of appeal is received outside of the deadline, we must dismiss the appeal regardless of the personal circumstances for why it was late. *See Bowles v. Russell*, 551 U.S. 205, 214 (2007) (finding "no authority to create equitable exceptions to jurisdictional requirements").

We are also unable to treat Mr. Johnson's notice of appeal as a motion to reopen the time to appeal pursuant to Rule 4(a)(6) of the Federal Rules of Appellate Procedure. Such motions must be filed no later than 180 days of the judgment. *See* Fed. R. App. P. 4(a)(6) (allowing trial court to reopen the time to appeal when party did not timely receive judgment but only if request was filed "within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice . . . of the entry, whichever is earlier"). And here, Mr. Johnson's notice was also filed outside of that deadline.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

* He filed a second notice of appeal on March 2, 2021.

EX. III - P. 2

Exhibit IV

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****ENTRY OF APPEARANCE**Case Number: 2021-1773Short Case Caption: Johnson v. McDonough

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

Denis McDonough, Secretary of Veterans Affairs

Principal Counsel:

Admission Date:

Firm/Agency/Org.:

Address:

Phone:

Email:

Other Counsel: Christopher O. Adeloye

Admission Date: N/A

Firm/Agency/Org.: U.S. Department of Veterans Affairs

Address:

810 Vermont Avenue NW; Washington, DC 20420

Phone: (202) 461-7662

Email: christopher.adeloye@va.gov

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 4/12/21Signature: /s/ Christopher O. AdeloyeName: Christopher O. Adeloye

EX. IV - P1

[DO NOT SUBMIT THIS PAGE IF IT IS BLANK.]

Other Counsel: Brian D. Griffin		Admission Date: N/A
Firm/Agency/Org.: U.S. Department of Veterans Affairs		
Address: 810 Vermont Avenue NW; Washington, DC 20420		
Phone: (202) 461-7656	Email: brian.griffin2@va.gov	
Other Counsel:		Admission Date:
Firm/Agency/Org.:		
Address:		
Phone:	Email:	
Other Counsel:		Admission Date:
Firm/Agency/Org.:		
Address:		
Phone:	Email:	
Other Counsel:		Admission Date:
Firm/Agency/Org.:		
Address:		
Phone:	Email:	
Other Counsel:		Admission Date:
Firm/Agency/Org.:		
Address:		
Phone:	Email:	

EX. IV - P2

CERTIFICATE OF SERVICE

Short Case Caption Johnson v. McDonough

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on _____

by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Court	U.S. COURT OF APPEALS FOR VETERANS CLAIMS 625 INDIANA AVE. NW, Suite 900 Washington, D.C. 20004-2950
TOTH, Judge JOSEPH L.	U.S. COURT OF APPEALS FOR VETERANS CLAIMS 625 INDIANA AVE. NW, Suite 900 Washington, D.C. 20004-2950
MICHAEL D. SNYDER	P.O. BOX 480, BEN FRANK ST. (U.S. Dept. of Justice) Washington, DC 20044
CURRENTLY IN OFFICE SOLICITOR GENERAL OF U.S.	DEPARTMENT OF JUSTICE - ROOM 5618 950 PENNSYLVANIA AVE. NW Washington, DC 20530-0001
DERIS McDonough	U.S. DEPARTMENT OF VETERANS AFFAIRS 810 VERMONT AVE. NW Washington, DC 20420

☒ Additional pages attached.

Date: 7-14-2021

Signature: O. A. Johnson

Name: OSCAR JOHNSON

CERTIFICATE OF SERVICE

cont.

Short Case Caption Johnson v. McDonough

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on _____

by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Christopher P. ADELOYE	U.S. DEPARTMENT OF VETERANS AFFAIRS 810 VERMONT AVE. NW WASHINGTON, DC 20420
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT	U.S. COURT OF APPEALS FOR THE FEDERAL 717 MADISON PL. N.W. WASHINGTON, DC 20439 CIRCUIT

☒ Additional pages attached.

Date. 7-14-2021

Signature: *O. A. Johnson*

Name: OSCAR JOHNSON

OSCAR Johnson
P.O. Box 1540
Pahrump, NV 89041

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

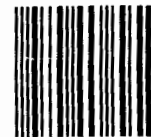
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1020



20004

U.S. COURT OF APPEALS FOR
625 INDIANA AVE. N.W.
WASHINGTON, D.C. 2000