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In Propria Persona

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Case No. 16-17320

GLENN SUNKETT,)

(Petitioner/Appellant))

)

vs.)

MARTIN BITER,)

(Warden/Respondent).)

_____)

District Court case no. 14-cv-00069-RS

PETITION FOR WRIT OF MANDAMUS; OR CORAM NOBIS; AND/OR ANY OTHER PETITION FOR RELIEF UNDER 28 U.S.C. 2243

To: Motions Panel/En Banc

NOTICE OF MOTION; PETITION FOR WRIT OF MANDAMUS, ect. ect.., REQUESTING THE COURT VACATE ITS NOVEMBER 8, 2016 ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION AND ANY APPLICABLE RELIEF UNDER 28 U.S.C. 2243, IN THE INTEREST OF JUSTICE, DUE TO FUNDAMENTAL ERROR, AND THE NINTH CIRCUIT RENDERING A COA DENIAL THAT CONFLICTS WITH THE U.S. SUPREME

COURT DECISION IN *BUCK v. DAVIS,* 580 U.S. ___ (2017).

I. NECESSITY FOR REVIEW.

A. The Congressional Intent of 28 U.S.C. 2253.

In a democracy, the power to make law rest with those chosen by the people. Our role is more confined- "to say what the law is." (*Marbury v. Madison,* 1 cranch 137,177 (1803) (*Marshall, c.j.*). "[Congress] sets the [rule(s)]--and court(s) have a [role] in creative exceptions [only] if congress wants them to." (*Ross v. Blake,* 578 U.S. ___(2016) (slip op., at p. 5).

The purpose of a law must be "collected chiefly from its words," not "from extrinsic circumstances." (*Sturges v. Crowninshield,* 4 wheat. 122, 202 (1819) (*Marshall,* c.j.).

The Ninth Circuit must observe, the United States Supreme Court, in deed, has interpreted the congressional intent of 28 U.S.C. 2253, to mean:

> "A COA determination should be made in a separate proceeding
>
> [distinct] from a decision on the merits of a petitioner's claim."
>
> (*Miller-El v. Cockrell,* 537 U.S. 322, 336-337 (2003); *Buck v. Davis,*
>
> 580 U.S. (2016) (slip op., at pp. 12-13).
>
> "[O]ur. task is to apply the text, not to improve upon it." (*Pavelic*
>
> *& LeFlore v. Marvel Entertainment group, ect.,* 493 U.S. 120,
>
> 126 (1989).

A COA is necessary to confer jurisdiction 'on this court' in an appeal from a district court's denial of habeas relief in a 2254 case, regardless of whether the state decision to deny release from confinement is administrative or judicial. (*Hayward v. Marshall,* 603 f. 3d 546, 554 (9th Cir. 2010).

Petitioner raises the question, does 28 U.S.C 2253, authorize a district court to deny a COA, without a COA actually being filed? If so, does that district court's denial automatically preclude or bar the Ninth Circuit from hearing the merits of a COA filed in the Ninth Circuit court?

B. The Congressional Intent of 28 U.S.C 2253, Mandate A Prisoner To Actually Draft and File A COA, In Light of The Rationale of fed.r.crim.p., rule 32.

Does a violation of 28 U.S.C 2253 constitute reversible error? A court's failure to comply with rule 32 (a) (1) (c), in fact, can constitute reversible error.

The right of allocution affords a criminal defendant an opportunity to make a final plea to the judge on his behalf prior to sentencing. (See *United States v. Behrens,* 375 U.S. 162, 165 (1963).

Federal courts have recognized that in the absence of an opportunity to allocute being given, it is almost[impossible] to ascertain what the effect of the opportunity would have been had the error not occurred. (See *United States v. Luepke,* 495,f.3d. 443,451 (7th Cir. 2007) (Where there has been a violation of the right to allocute, a reviewing court should presume prejudice when there is any possibility that the defendant would have received a lesser sentence had the district court heard from him before imposing sentence); *U.S. v. De Alba Pecan,* 33 f.3d 125,130 (1st Cir. 1994) ([W]e hold, that if the trial court fails to afford a defendant either the right to allocution conferred by rule 32 (a) (1) (c) or its functional equvilent, [vacation] of the ensuring sentence must follow automatically.).

However, unlike rule 32 (a) (1) (c), and/or functional equivalent rules, a violation of 28 U.S.C 2253, presents serious jurisdictional questions. A state prisoner whose petition for a writ of habeas corpus is denied by a federal district court, does not enjoy a absolute right to appeal. [Federal law] requires that he first obtain a COA from a circuit Justice or judge. (See 28 U.S.C. 2253 (c) (1).

Petitioner humbly assert, that he was never afforded the opportunity to file a actual COA in the district court. The district court denied a COA, at the same time that it denied federal habeas relief on the merits, which then presented serious jurisdictional and constitutional questions.

The Ninth Circuit failed to correct the District Court's prejudicial error, which conflicted with 28 U.S.C. 2253 (c) (1). *Buck,* 580 U.S. ___ (slip.op., at p. 14), and *Miller-El,* 537 U.S. at 336-337 "flatly prohibits such a departure from the procedure prescribed by 2253."

C. Prejudice caused by violations of 28 U.S.C 2253.

As a direct result of the District Court denying a COA, without a COA actually being filed, and the Ninth Circuit overlooking the prejudicial error which violates 28 U.S.C. 2253, it deprived Petitioner of the opportunity and ability to "make a substantial showing of the denial of a constitutional right," and further show that (1) jurist of reason could disagree with the District Court's resolution of his constitutional claims; and/or (2) jurist could conclude the issues presented are adequate to deserve encouragement to proceed furthér. (See *Buck,* 580 U.S. ___ (slip.op., at 13-14); also *Miller-El,* 537 U.S. at 327).

In order to establish prejudice, the United States Supreme has instructed that a petitioner must show "not merely that the errors at his trial created a possibility of prejudice, but that they worked to his actual and substantial disadvantages, infecting his entire trial with error of constitutional dimensions." *United States v. Frady,* 456 U.S. 152, 170, (1982).

II. PRELIMINARY STATEMENT.

Petitioner now files this instant motion requesting that this court vacate its Final Order denying Petitioner's request for reconsideration to prevent an unjust Ninth Circuit decision that blatantly conflicts with the United States Supreme Court decision rendered in *Buck v. Davis,* 580 U.S. ___ (2017); **and** to correct a fundamental error made by the District Court when it denied Petitioner's

COA in the same proceeding it denied habeas relief, prior to Petitioner submitting a COA in the District Court or the Ninth Circuit Court; **and** to correct its own error when it failed to correct the District Court error stated above; **and** correct its failed obligation--according to *Buck*-- to fairly offer review of Petitioner's COA on the merits.

Petitioner is a state prisoner who filed a writ of habeas corpus in pro-per in the U.S. District Court Northern District on June 2, 2015. On December 6, 2016 the District Court denied the petition and entered a judgment against the petitioner. (**See Exhibit A p.13-14**; District Court Judgement). In the same order, the District Court denied a certificate of appealability on all constitutional claims. (**See Exhibit B p.15-16;** p. 29 of the District Court's Order denying petition for writ of habeas corpus).

On December 16, 2016, Petitioner filed a timely notice of appeal. On December 30, 2016, Petitioner filed a timely motion for reconsideration (Dist. Ct. Doc. No. 30). On May 3, 2017, the District Court issued an order denying Petitioner's motion for reconsideration (Dist. Cf. Doc. No. 31).

On February 10, 2017, Petitioner filed his Application for a Certificate of Appealability here in this Ninth Circuit Court. (9th Cir. Doc. No. 4).

On August 18, 2017, this court denied Petitioner's Application for a COA without review of the merits. (**See Exhibit C p.17-18;** Ninth Circuit Order). On September 14, 2017, Petitioner filed a motion for reconsideration (9th Cir. Doc. No. 7). On November 8, 2017, this court denied the motion for reconsideration without review of the merits. (**See Exhibit D p.19-20;** Ninth Circuit Order). For that reason, no mandate was issued.

III. QUESTIONS PRESENTED.

A). Did the District Court divest the Ninth Circuit of jurisdiction to hear this appeal, based on the lower court denying Petitioner's application for COA in a manner that conflicts with the U.S. Supreme Court's February 22, 2017 decision rendered in Buck v. Davis, 580 U.S. ___ (2017)?

B). Should the Ninth Circuit determine that it indeed had jurisdiction to act upon the appeal, did the court deny Petitioner's application for a COA in a manner, that conflicts with the U.S. Supreme Court decision rendered in *Buck v. Davis?*

IV. STATEMENT OF FACTS.

In support of this instant motion to recall the court's final order, in order to prevent an erroneous ruling from working an injustice, Petitioner respectfully adopts, incorporates, reaffirms, and realleges

all facts and information set forth in Petitioner"s application for Certificate Of Appealability, and Motion For Reconsideration, as though fully set forth herein.

V. SUMMARY OF ARGUMENT.

The District Court, following the lead of the state appellate courts, rendered decisions that constituted an "unreasonable determination of facts" under the provisions of 18 U.S.C. 2254(d) (2), when it denied Petitioner"s federal writ of habeas corpus on the merits and an issuance of a certificate of appealability at the same time, in the same proceeding, despite petitioner presenting a prima facie case for relief, and substantial showing of the denial of constitutional rights under 28 U.S.C 2253 (c) (2). (**See Exhibit B p.15-16**).

Petitioner supported all constitutional claims and arguments with reliable material, competent evidence, and case records that was generated and presented in the state court proceedings. (See *Cullen v. Pin holster,* 131 S.Ct. 1388,1402, fn. 12 (2011); see also *Taylor v. Maddox,* 366 f. 3d 992, 999 (9th Cir. 2004) (A federal court may not "second-guess" the state court's fact-finding process unless, on "review of the state court record," it determines that the state court was not merely wrong, but actually unreasonable.).

VI. REASONS FOR GRANTING ERROR CORAM NOBIS/VOBIS RELIEF, AND/OR UNDER-28 U.S. C. 2243.

A. 28 U.S.C. 2243.

"Federal courts are authorized under 28 U.S.C 2243, to dispose of habeas corpus matters "as [law] and [justice] require'." *Id*.

B. Writ of Mandamus.

A writ of Mandamus is an extraordinary writ, used only to review errors of the most fundamental character. (*In re Van Dusen,* 654 f.3d 838, 840 (9th Cir. 2011)). Indeed, "only exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion will justify the invocation of this extraordinary remedy. (*Cheney v. U.S. Dist*. *Court,* 542 U.S. 367, 380 (2004). This Ninth Circuit Court has the jurisdiction and power to review and issue the writ under the all writs act, 28 U.S.C. 1651. However, Petitioner understands that the issuance of the writ is "In large measure... a matter of the court's discretion." (*Johnson v. Consumer info.com, Inc,* 745 F.3d 1019, 1023 (9th Cir. 2014).

This court's discretion is guided by five factors laid out in *Bauman v. U.S. Dist. Court,* 557, F.2d 650 (9th Cir. 1977).

Petitioner humbly assert that he's entitled to 'Mandamus' relief because:

1). A more usual remedy is not available e.g. (*Kerr v. United States District Court, supra* 426 U.S. at 403, 96 S.Ct 2119). Petitioner is prohibited from filing a petition to recall the mandate, because this court did not address Petitioner's COA and motion for reconsideration on the merits.

2). The Petitioner will be prejudiced or damaged in a way that can no longer be corrected on appeal. (*Authur Young & Co. v. United States District Court, supra,* 549 F.2d at 691-692).

3). The District Court's order is of fundamental character, and is clearly erroneous as a matter of clearly established federal law. (*Authur Young & Co. v. United States District Court, supra,* 549 F.2d at 691-692, 692-697; and see *United States v. McClelland,* 941 f.2d 999,1002 (9th Cir. 1991). This factor--whether "[t]he District Court's order is clearly erroneous is a matter of law," *Bauman,* 557 F.2d 654-655--"is significantly differential and is not met unless the reviewing court is left with a definitive and firm conviction that a mistake has been committed. (*In re Bundy,* 840 F.3d at 1041). Note, adverse consequences exist from the District Court's COA denial, violating 28 U.S.C. 2253, which is sufficient to satisfy the case and/or controversy requirement of article III.

4). The District Court order manifests a persistant disregard of the federal rules. (*Lebuy v. How's Leather Co., supra,* 523 F.2d at 1076, 1077-81).

5). The District Court order raises important problems or issues of law of first impression. (*Schlagenhauf v. Holder,* 379 U.S. 104, 111, 85 S.Ct. 234, 13 L.Ed. 2d. 152 (1964).

C. Writ of Error Coram Nobis

Coram Nobis is also an extraordinary writ used only to review errors of the most fundamental character. The United States Supreme Court has held that district courts have the power to issue the writ under the all writs act, 28 U.S.C 1651(2); *United States v. Morgan,* 346 U.S. 502, 506 (1954).

Petitioner humbly asserts that he is entitled to error of coram nobis relief based on the same five factors listed above in **B.**, as well as the four factors listed below:

1). The District Court error existed but was not known to, or brought before the Ninth Circuit prior to it rendering its final order.

2). The District Court error is not being used to attack the merits of the factual determinations made at trial.

3). Had this Ninth Circuit Court known about this fact/error, its judgement would have been not only prevented, but ultimately different because it would have then reviewed the merits of Petitioner's COA.

4). Petitioner was not at fault for failing to bring this fact to the attention of the court prior to its judgment because Petitioner only learned that the Ninth Circuit did not review the merits of Petitioner's COA until after the court informed him over the telephone that a Mandate would not issue in this case because the court did not review the merits of either one of his petitions.

D. Due Process Clause.

The due process clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudication proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. (*Marshall v. Jerrico, Inc.,* 100 S.Ct. 1610,1613 (1980).

E. The February 22, 2017 U.S. Supreme Court decision rendered in *Buck v. Davis,* 580 U.S. ___ (2017), which reiterated the proper standard for examining a Certificate Of Appealability according to *Miller-El v. Cockrell,* 537 U.S. 322 (2003).

On February 22, 2017, in the case *Buck v. Davis,* the United States Supreme Court, again, reiterated and instructed the correct and proper standard for a federal court of appeals and/or District Court to examine a state prisoner's Certificate of Appealability. The high court held:

> A state prisoner who's petition for a writ of habeas corpus is denied by a federal district court does not enjoy an absolute right to appeal. Federal law requires that he first obtain a COA from a circuit justice or judge. *Buck v. Davis,* 580 U.S. ___ (2017) (slip op., at p. 12) (citing 28 U.S.C. 2253 (c) (1)).

A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." *Id.* (citing 28 U.S.C. 2253 (c) (2). Until the prisoner secures a COA, the court of appeals [may not] rule on the merits of his case. *Id*. (citing *Miller-El v. Cockrell,* 537 U.S. 322, 336 (2003)). The COA inquiry, we have emphasized, is [not coextensive] with a merits analysis. (See *Buck v. Davis,* slip op. at p. 13).

At the COA stage, the only question is whether the applicant has shown that "jurist of reason could disagree with the court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Id.* (quoting *Miller v. Cockrell,* 537 U.S. at 327).

This threshold question should be decided without "full consideration of the factual or legal bases adduced in support of the claims." *Id*. "When a court of appeals sidesteps [the COA] process by first deciding the merits of an appeal, and then justifying its denial of a COA based on its adjudication of the actual merits, it is in essence deciding an appeal without jurisdiction." *Id*. (quoting *Miller-El,* 537 U.S. at pp. 336-337).

F. Did the District Court divest the Ninth Circuit of appellate jurisdiction by denying COA in a manner that conflicts with *Buck v. Davis,* 580 U.S. ___ (2017)?

Defects in the COA itself do not deprive a court of appeal of jurisdiction over the appeal. (See *Gonzales v. Thaler*, 132 S.Ct. 641 (2012). To that, by the District Court denying federal habeas corpus relief on the merits and a COA at the same time (without a COA actually being filed yet), in a manner that conflicts with the United States supreme court decisions rendered in *Buck v. Davis* and *Miller-El v. Cockrell,* did the lower court action divest this court of appellate jurisdiction?

This is a very important legal question because according to clearly established law, as determined by the United States Supreme Court, "A COA determination should be made in a 'separate proceeding,' [distinct] from a decision on the merits of a petitioner's claim." (*Miller-El v. Cockrell,* 537 U.S. 322, 336-337 (2003); *Buck v. Davis,* 580 U.S. ___ (2017) (slip op., at p. 13) (When a court of appeal sidesteps [the COA] process by first deciding the merits of an appeal, and then [justifying its denial of a COA] based on its adjudication of the actual merits, 'it is in essence deciding an appeal without jurisdiction'.").

The District Court is enforcing a local rule, where it is deciding federal habeas corpus petitions on the merits, and automatically denying a COA, without a COA actually being filed. (**See Exhibit B p.15-16).** Thereby, the District Court deprived Petitioner of the ability to make a preliminary showing that his claims are debatable. *Buck* and *Miller-El* flatly prohibit such a departure from the procedure prescribed by 28 U.S.C. 2253. (*Buck*, slip op. at p. 14; *Miller-El,* at pp. 336-337; see also *Rios v. Garcia,* 390 f.3d 1082, 1086 (9th Cir. 2004) (reversing judgment granting relief and declining, for "lack of COA," to address ground raised by prisoner to save judgment).

This legal question, justifies the grant for this court to vacate the court's final order.

G. As a direct result of the District Court's December 6, 2016 order denying a COA, which conflicts with the congressional intent of 28 U.S.C 2253, and the United States Supreme Court decisions rendered in *Buck v. Davis* and *Miller-El,* Petitioner is entitled to an evidentiary hearing.

Again, the United States Supreme Court has interpreted the congressional intent of 28 U.S.C. 2253, to mean:

"A COA determination should be made in a 'separate proceeding' [distinct] from a

decision on the merits of a petitioner's claim." (*Miller-El*, 537 U.S. at 336-337;

Buck, 580 U.S. ___ (slip op., at p. 13).

It is a undisputable fact that the District Court's December 6, 2016 order is evidence that the lower court denied federal habeas relief on the merits and a COA (without petitioner filing an actual COA), in one and the same proceeding, which clearly conflicted with 28 U.S.C. 2253, *Miller-El v. Cockrell*, and *Buck v. Davis;* and caused Petitioner to suffer a heavy burden and prejudice. (e.g. see *Buck*, slip op. at p. 14) (When a reviewing court... inverts the statutory order of operations and "first decid[es] the merits of an appeal, ... then justif[ies] its denial of a COA based on its adjudication of the actual merits," it has placed too heavy a burden on the petitioner at the COA stage) (citing *Miller-El*, 537 U.S. at 336-337). *Miller-El* [flatly] prohibits such a departure from the procedure prescribed by 28 U.S.C. 2253. *Id.* (e.g. see also *Ross v. Blake*, 578 U.S. ___ (2016) ("We are interpreting and applying" not a judge-made doctrine but a "statutory requirement," and therefore must honor congress's choice.) (Citation).

In order to prevent the District Court's December 6, 2016 erroneous ruling and Order from working an injustice, a grant for recall of the court's final order and a scheduled evidentiary hearing is necessary and justified. (e.g. see *Earp v. Stokes*, 423 f.3d 1024, 1032 (Ninth Cir. 2005) ([W]here the petitioner establishes a colorable claim for relief and has never been afforded a state or federal hearing on this claim, we must remand to the District Court for an evidentiary hearing.); *Phelps v. Alameida*, 569 f.3d 1120, 1124 (9th Cir. 2009) (Here, because the District Court incorrectly applied a per se rule to reject Phelps' motion for reconsideration rather than evaluating the specific circumstances of Phelps' case, and because we conclude that the extraordinary circumstances of this case merit relief under fed.r.civ.p. 60(b)(6), we reverse the denial of Phelps' motion for reconsideration and remand for an evaluation of the merits of his habeas petition.).

VII. PETITIONER RESPECTFULLY REQUEST FOR THE NINTH CIRCUIT TO CONDUCT A DE NOVO DETERMINATION, WITH RESPECT TO PETITIONER'S MOTION FOR RECONSIDERATION; OR ALTERNATIVELY, ALLOW PETITIONER LEAVE TO FILE AN AMMENDED MOTION FOR RECONSIDERATION AND/OR COA.

A. Liberal Construction Of Pro Se Pleadings.

It is clearly established that federal courts hold pro se pleadings to less stringent standards than formal pleadings drafted by a licensed attorney, and liberally construe such pleadings when determining whether they state a cause of action. (e.g. see *Erickson v. Pardus,* 551 U.S. 89, 94 (2007).

B. Federal Rules Of Civil Procedure Apply To Habeas Corpus Proceedings.

The civil rules "govern the procedure in the United States District Courts in all suits of civil nature." Rule 1. This includes "proceedings for... habeas corpus," Rule 81 (2) (2), but only "to the extent that the practice in such proceedings is not set forth in statutes of the United States [or] the rules governing section 2254 cases [habeas rules]," civil rule (2) (2); see also habeas rule II. Thus, "[t]he federal rules of civil procedure apply in the context of habeas suits to the extent that they are not inconsistent with habeas corpus rules." (*Woodford v. Garceau,* 538 U.S. 202,208 (2003); *Mayle v. Felix,* 125 S.Ct. 2562, 2566 (2005) (In ordinary civil proceedings, the governing rule, rule 8 of the federal rules of civil procedure, requires only "a short and plain statement of the claim showing that the pleaded is entitled to relief." [Omitted] Rule 2 (c) of the rules governing habeas corpus requires a more detailed statement. The habeas rule instructs the petitioner to "specify all the grounds for relief available to [him] "and to "state the facts supporting each ground." By statute, congress provided that a habeas petition "may be amended... as provided in the rules of procedure applicable to civil actions." 28 U.S.C. 2242.).

C. Application of Fed.r.civ.p., Rule 15, Governing Amended Pleadings.

Although Petitioner humbly asserts, that set forth in his motion for reconsideration (9th Cir. Doc. No. 7), he provided plain and detailed claims for relief, which cogently "made a substantial showing of a denial of constitutional rights," under 28 U.S.C. 2253 (c) (2), and strongly argued that "jurist of reason could conclude the issues presented are adequate to deserve encouragement to proceed further." Petitioner request for the court to conduct a de novo determination with respect to all legal claims presented in his motion for reconsideration, according to the standards established in *Buck,* and *Miller-El* (e.g. see *Buck,* 580 U.S. ___ 2017 (slip op.

at p. 14) (that a prisoner has failed to make the ultimate showing that his claim is meritorious does not logically mean he failed to make a preliminary showing that his claim was debatable). *Id.*, at slip op., p. 15 ("[A] claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that the petitioner will not prevail.").

In the alternative, Petitioner request for leave to file an amended motion for reconsideration, in order to detail all substantial denial of constitutional rights, that entitle Petitioner to federal habeas relief. (See *Mayle v. Felix,* 125 S.Ct. 2562, 2569 (2005) (The petitioner seeks to amend his habeas corpus petition... under rule 15 of the federal rules of civil procedure, which applies to habeas corpus petitions, as well as other pleadings.).

VIII. CONCLUSION AND RELIEF

Wherefore, Petitioner respectfully request for the court to grant the following relief:

1). Grant this instant motion in full, under 28 U.S.C. 2243, in the interest of justice.

2). Clarify whether this court originally had appellate jurisdiction, based on the District Court's December 6, 2016 ruling; which then and now conflicts with federal laws that govern COA standards.

3). Correct all issues of error made by both the District Court, and this Ninth Circuit Court.

4). Conduct a De novo determination with respect to Petitioner's motion for reconsideration; therewith, issue a COA sua sponte, according to *Cooks v. Solis,* 606 f.3d 1206, 1212 (9th Cir. 2010).

5). Alternatively, should request #3 be denied, grant leave to file an amended motion for reconsideration, under fed.r.civ.p., rule 15.

6). Grant an evidentiary hearing, with respect to all constitutional claims presented in Petitioner's motion for reconsideration (9th Cir. Doc. No. 7).

7). Any other and further relief, that I pray the court deem fair and just.

I declare under penalty of perjury that the foregoing is true and correct, except as for those matters stated upon information and belief, and as for those matters I believe them to be true.

Respectfully submitted,

January 8, 2018.

_____

Mr. Glenn S. Sunkett AF-1727

Petitioner in pro-per