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IN THE SUPREME COURT  
OF THE  
UNITED STATES

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IN RE: THOMAS W. SPINDLE,  
PETITIONER,

V.

THE UNITED STATE EXECUTIVE BRANCH,  
RESPONDENT,

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ON A PETITION FOR CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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CASE NUMBER: \_\_\_\_\_

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SUBMITTED BY:

THOMAS W. SPINDLE, PRO-SE

40039-000

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QUESTIONS PRESENTED

I. WHETHER THE THIRD CIRCUIT MISAPPLIED 28 USC 2244 (a) TO IMPROPERLY DISMISS PETITIONER'S SUCCESSIVE 2241 PETITION CONTRARY TO A TENTH CIRCUIT RULING THAT 2244 (a) DOES NOT APPLY TO MILITARY PRISONERS WHOM HAVE NO 28 USC 2255 AVENUES OF AVAILABLE REDRESS TO MAKE COLLATERAL CHALLENGES. ?

II. WHETHER THE PRISON LITIGATION REFORM ACT OF 1995, SPECIFICALLY 28 USC 1915 (e) (2) (B) APPLIED TO DISMISS PETITIONER'S SUCCESSIVE 2241 IN FORMA PAUPERIS WITHOUT ADDRESSING THE MERITS UNDER A SCHULP GATEWAY OF ACTUAL INNOCENCE WHERE LIBERTY INTERESTS STILL EXIST. ?

III. WHETHER THE NON-DELEGATION DOCTRINE WAS VIOLATED BY GRANTING JUDICIAL AND LEGISLATIVE POWERS TO THE EXECUTIVE BRANCH CONTRARY TO THE LANGUAGE OF UNITED STATES CONSTITUTIONAL PROVISION ARTICLE I, SECTION 1 AND ARTICLE III, SECTION 1 BECAUSE A MILITARY TRIBUNAL IS NOT "A COURT OF THE UNITED STATES" UNDER THE DEFINITION PROVIDED FOR IN 28 USC 451 BECAUSE COURTS-MARTIAL DISSOLVES FOLLOWING SENTENCING AND IS NOT AVAILABLE TO ENTERTAIN COLLATERAL CHALLENGES, NOR DO THEY PROVIDE REDRESS OF GRIEVANCES. ?

IV. WHETHER THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL (JAG) AND THE UNITED STATES ARMY'S CRIMINAL INVESTIGATIONS COMMAND (CIC) VIOLATED BRADY BY FAILING TO DISCLOSE RELEVANT MATERIAL EVIDENCE FROM THEIR 1982 HOMICIDE INVESTIGATION WHICH WAS EXCULPATORY TO THE PETITIONER AND PETITIONERS CO-ACCUSED, BUT, CRITICALLY FATAL TO THE PROSECUTORS CIRCUMSTANTIAL CHARGES.?

V. WHETHER THE UNITED STATES PAROLE COMMISSION'S THREE-PRONG REQUIREMENT FOR THE ELIGIBLE RELEASE FROM WRONGFUL CONFINEMENT IS UN-CONSTITUTIONALLY COERCIVE IN NATURE. ?

LIST OF PARTIES

That all parties appear in the caption of this case on the cover page. Petitioner states that 28 USC 2403(a) duly applies and Respondents copy shall be served on the Solicitor General of the United States in order to fulfill his mandatory obligation under rule 29.4(a).

NOTICE

Petitioner was granted 60 days from the date of January 8th, 2009, to make corrections to his Petition as well as to file Petitioner's In Forma pauperis under 28 USC 1746. Petitioner also presents a notarized "Declaration of Actual Innocence" for this Honorable Court's perusal with a clear challenge to the weigh the truth of Petitioners attestation or to have him prosecuted for perjury. It is not enough to provide notice that a true Innocent has come before this Court in this way. Let him be witnessed by the whole world itself. [www.ippi.org/inmates/armedforces/thomaspindle.html](http://www.ippi.org/inmates/armedforces/thomaspindle.html). Here, then, shall he also be observed.

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