

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3133

To amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Equal Justice for Our  
5       Military Act of 2011”.

1 **SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF AP-**  
2 **PEALS FOR THE ARMED FORCES.**

3 (a) **IN GENERAL.**—Section 1259 of title 28, United  
4 States Code, is amended—

5 (1) in paragraph (3), by inserting “or denied”  
6 after “granted”; and

7 (2) in paragraph (4), by inserting “or denied”  
8 after “granted”.

9 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

10 (1) **TITLE 10.**—Section 867a(a) of title 10,  
11 United States Code, is amended by striking “The  
12 Supreme Court may not review by a writ of certio-  
13 rari under this section any action of the Court of  
14 Appeals for the Armed Forces in refusing to grant  
15 a petition for review.”.

16 (2) **TIME FOR APPLICATION FOR WRIT OF CER-**  
17 **TIORARI.**—Section 2101(g) of title 28, United States  
18 Code, is amended to read as follows:

19 “(g) The time for application for a writ of certiorari  
20 to review a decision of the United States Court of Appeals  
21 for the Armed Forces, or the decision of a Court of Crimi-  
22 nal Appeals that the United States Court of Appeals for  
23 the Armed Forces refuses to grant a petition to review,  
24 shall be as prescribed by rules of the Supreme Court.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 (a) **IN GENERAL.**—Subject to subsection (b), the  
3 amendments made by this Act shall take effect upon the  
4 expiration of the 180-day period beginning on the date of  
5 the enactment of this Act and shall apply to any petition  
6 granted or denied by the United States Court of Appeals  
7 for the Armed Forces on or after that effective date.

8 (b) **AUTHORITY TO PRESCRIBE RULES.**—The author-  
9 ity of the Supreme Court to prescribe rules to carry out  
10 section 2101(g) of title 28, United States Code, as amend-  
11 ed by section 2(b)(2) of this Act, shall take effect on the  
12 date of the enactment of this Act.

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