

23-2156

IN THE  
**United States Court of Appeals  
for the Fourth Circuit**

Richmond, Virginia

**ANDREW U. D. STRAW,** )  
*Appellant-Plaintiff, Pro Se,* )  
 )  
v. )  
 )  
**UNITED STATES,** )  
*Appellee-Defendant.* )

**CAMP LEJEUNE JUSTICE ACT**  
**ORAL ARG. NOT REQUESTED**

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Appeal from the United States District Court for  
the Eastern District of North Carolina, Southern Division  
Case No. 7:23-cv-00162-BO-BM  
The Honorable Judge Terrence W. Boyle

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PETITION FOR REHEARING, REHEARING *EN BANC*

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SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, hereby PETITION the Court to rehear my appeal either as a reconsideration or as an *en banc* rehearing, as the case may be:

### FACTS

1. The Court dismissed my appeal by stating that it did not have jurisdiction over an interlocutory order.
2. However, the [Dkt. 56](#) MOTION (§19) was a request for **an injunction** to force the United States to pay me for mitigating health care and education purposes in the form of a loan with a lien against my damage award. \$6,400 per month.
3. The need for my relief was clear. I am at **high risk of cancer** because of my poisoning *in utero* and for 19 months total as a fetus and infant at Camp LeJeune MCB right in the middle of the toxic water time. I am also at **extremely high risk of suicide** due to the mental illnesses I claim Camp LeJeune caused in me.
4. The high risk of cancer and the extreme risk of suicide are both compelling reasons to force the United States to provide me with loan relief until I am paid. So, the money the USA prints for my loan, I will return from the money the USA prints when I am paid for these damages.
5. My mother had **tumors** in her breast that spread and killed her. The new Cancer Incidence Study<sup>1</sup> shows such breast cancers were over 20% more likely in civilian workers who were exposed at Camp LeJeune.

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<sup>1</sup> <https://apnews.com/article/camp-lejeune-cancer-study-cdc-water-f78ba8393055839e8e5538c90336ee37>

6. My father has had **tumors** of the head, torso, and arm, the size of an egg. He was stationed at MCAS New River for 583 days according to his Service Record, which excerpt appears in [Dkt. 9-1](#), (Phillip Straw Record of Service, on **page 3**).
7. I had my gall bladder removed in 2012 due to having 17 very painful gall stones that medical research shows increased my cancer risk by 5x.<sup>2</sup> These gallbladder cancers<sup>3</sup> are more likely in people exposed to Camp LeJeune solvents.<sup>4</sup>
8. I have had 6 mental illness diagnoses of the most severe kinds. These include bipolar, schizophrenia, depression, autism, anxiety, and migraine headaches. I listed these in my Short Form Complaint. [Dkt. 55](#).
9. Medical research<sup>5</sup> has shown that in children exposed to PCE as I was, the incidence of **bipolar** is **80% higher** and the incidence of **schizophrenia** is more than **double**.

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<sup>2</sup> <https://www.cancerresearchuk.org/about-cancer/gallbladder-cancer/risks-causes#:~:text=The%20risk%20of%20gallbladder%20cancer,do%20not%20get%20gallbladder%20cancer.>

<sup>3</sup> <https://www.jstor.org/stable/44997334>

<sup>4</sup> <https://www.elglaw.com/camp-lejeune/gallbladder-cancer/#:~:text=Between%201953%20and%201987%2C%20the,risk%20of%20developing%20gallbladder%20cancer.>

<sup>5</sup> Aschengrau, A., Weinberg, J.M., Janulewicz, P.A. et al. Occurrence of mental illness following prenatal and early childhood exposure to tetrachloroethylene (PCE)-contaminated drinking water: a retrospective cohort study. *Environ Health* 11, 2 (2012). <https://doi.org/10.1186/1476-069X-11-2>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3292942/>

10. Both bipolar<sup>6</sup> and schizophrenia<sup>7</sup> come with **astronomical risks of suicide** and I have had both diagnoses. I was accused of autistic thinking and autism also comes with a very high risk of suicide.<sup>8</sup> I should not have to carry this kind of risk and burden alone on my puny SSDI benefit while an insanely wealthy defendant, the most wealthy nation on this planet, that can pay me in a heartbeat at virtually no cost to itself from its power to mint money, is relieved of all financial responsibility until its agonizingly slow courts drag out justice for years. This is wrong and must not stand.
11. While my motions here may be ancillary to the injunctions, everything I requested is focused on the same issue of poisoning and the failures of the U.S. government to protect me, exposed for 583 days as a fetus and baby, and give me protection and **relief for “harm”** in the very words of the Camp LeJeune Justice Act of 2022, Sec. 804(b).
12. It is important to address harms that are ongoing with an injunction. My motion for an injunction for this loan assistance is not a burden at all to the United States, which can literally mint the money and give it to me at virtually no cost to itself. No other defendant in America has this remarkable ability.

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<sup>6</sup> 10-30x higher suicide risk than the general public.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6723289/>

<sup>7</sup> Suicide is the main cause of death for this diagnosis. Up to 13% of schizophrenic patients die by suicide. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1845151/>

<sup>8</sup> <https://www.psychologytoday.com/us/blog/women-with-autism-spectrum-disorder/202302/6-reasons-autistic-people-are-at-greater-risk-of>

13. A \$100 bill costs 8.6 cents per note.<sup>9</sup> Thus, the 64 notes each month that I ask costs the United States \$5.50 if given to me in paper form. Electronic dollars from the Treasury or the Fed are virtually free.

14. Given I have proven my presence at Camp LeJeune and illnesses those toxic waters were highly likely to cause, this \$5.50 per month to give me \$6,400 is no reason at all to deny me relief that will protect against **cancer and death**.

### LAW

15. The U.S. Code provides that a Court of Appeals shall accept jurisdiction over interlocutory appeals of denials of injunctions. 28 U.S.C. § 1292(a)(1).<sup>10</sup>

16. That's the case here because my consequences from refusing me the injunctive relief I requested (forced loan) are severe.<sup>11</sup>

17. I also meet the four factors in *eBay Inc. v. Mercexchange, LL*, 547 US 388 (2006)<sup>12</sup>. While I am asking for money, I am not asking for damages here but a

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<sup>9</sup> [https://www.federalreserve.gov/faqs/currency\\_12771.htm](https://www.federalreserve.gov/faqs/currency_12771.htm)

<sup>10</sup> <https://www.law.cornell.edu/uscode/text/28/1292>

<sup>11</sup> *Selective Ins. Co. of America v. WESTFIELD INS.*, 73 F. 4th 239, 242-243 (4<sup>th</sup> Cir. 2023) (regarding severity); *Midgett v. Hardcastle*, 21-2018, (4<sup>th</sup> Cir.2023) (on Sec. 1292(a)(1)); *WUDI INDUS.(SHANGHAI) CO., LTD. v. Wong*, 70 F. 4th 183, 188 (4<sup>th</sup> Cir. 2023) (on Sec. 1292(a)(1)); *Su v. MEDICAL STAFFING OF AMERICA, LLC*, 22-1290, (4<sup>th</sup> Cir. 2023); *Grimmett v. Freeman*, 59 F. 4th 689, 692 (4<sup>th</sup> Cir. 2023) (taking jurisdiction over denial of an injunction); *Vitkus v. Blinken*, 79 F. 4th 352, 360 (4<sup>th</sup> Cir. 2023) (taking jurisdiction over denial of an injunction).

<sup>12</sup> (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a

loan forced via injunction to make the interminable wait more bearable as a victim with virtually no resources, as [Dkt. 8](#) recognizes, and severe illnesses that nobody else in my family has.

18. ***Nobody*** else in my family was born and poisoned as a fetus and baby at Camp LeJeune.

19. My four grandparents did NOT have the tumors and cancers that both my parents have had. This is pure Camp LeJeune.

20. Given the massive number of claims (164,000+) and about 1,500 lawsuits<sup>13</sup> under CLJA and the District Court stating that trials could take 1,900 years,<sup>14</sup> there is an urgency to providing me with the mitigating payments I demanded.

21. The **government wants me to mitigate** and said so in its Affirmative Defense #13, page 29 of its [Dkt. 17](#) Answer.

22. This demand that I mitigate my own injuries shows why there has not been ***any opposition*** to what I ask, either below or here.

23. There appears to be little urgency in the Camp LeJeune Justice Act's implementation even with victims dying every month and there are estimates

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permanent                      injunction.                      eBay                      at                      391.

<sup>13</sup> (consolidated case status report)

[https://storage.courtlistener.com/recap/gov.uscourts.nced.201345/gov.uscourts.nced.201345.128.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.nced.201345/gov.uscourts.nced.201345.128.0_1.pdf)

<sup>14</sup> <https://www.publicradioeast.org/2023-04-06/judge-urges-quick-action-in-first-hearing-in-camp-lejeune-water-contamination-suit>

that 20% of the CLJA cases are wrongful death cases by now after the DOJ resisted paying under FTCA for 20 years.<sup>15</sup>

24. 18 months after passage of this very serious law, not one trial has happened.

25. This while U.S. senators were demanding an explanation for the delay in payment **8 months ago**.<sup>16</sup>

26. 18 months after President Biden's signature on the law gave the government notice to get moving, the Navy has not even set up a portal yet to accept proof that justifies immediate payments.

27. My avoiding *cancer* and *suicide* is more important than any consideration to the contrary.

28. The [Dkt. 59](#) refusal (without factual findings or legal reasoning) to find my good faith and justified, good cause request, an injunction request, compelling and grant it is injustice incarnate in this circumstance.

29. Refusing me by now is clear demonstration that the Court below is not interested in protecting the victims of this poisoning, which I undeniably am.

30. That refusal should be overturned so I am protected and severe consequences are avoided to me. As a person with **Camp LeJeune on my birth certificate**, I should be given the highest consideration and protection, not forcing me to

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<sup>15</sup> <https://www.cnn.com/2023/08/13/politics/camp-lejeune-water-contamination-pact-act/index.html>

<sup>16</sup> <https://www.rubio.senate.gov/rubio-demands-action-for-camp-lejeune-victims/>

<https://www.tillis.senate.gov/2023/5/tillis-budd-demand-answers-on-navy-s-inaction-on-camp-lejeune-water-contamination-claims>

shoulder this entire burden on my own, as is now the case while the legal system and the government, including the Navy, dither and fail to provide the justice that Congress directed with the Camp LeJeune Justice Act. That law was passed to undo the injustice DOJ and federal courts achieved in MDL-2218 and nobody can deny this. A whole new law was passed to reject that.

NAME OF CHILD		FIRST	MIDDLE
1. ANDREW		U	D
THIS BIRTH—SINGLE, TWIN, TRIPLE, ETC. SPECIFY		IF NOT SINGLE BIRTH— BORN FIRST, SECOND, THIRD, ETC. SPECIFY	
2a. SINGLE		3a.	
PLACE OF BIRTH			
COUNTY			
3a. ONSLOW			
CITY OR TOWN			
3a. CAMP LEJEUNE			
NAME OF HOSPITAL IF NOT IN HOSPITAL, GIVE STREET AND NUMBER			INSIDE CITY LIMITS (SPECIFY YES OR NO)
3a. NAVAL HOSPITAL			3a. NO
NAME OF FATHER		FIRST	MIDDLE

31.

(from Andrew U. D. Straw's 1969 NC birth certificate; [Dkt. 9-1](#), p. 1)

WHEREFORE, please reconsider or rehear my appeal or consider it *en banc*, whichever the Court prefers.

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury. Signed this 4<sup>th</sup> day of February, 2024.

Respectfully submitted,

*Andrew U. D. Straw*

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**CERTIFICATE OF SERVICE**

I, Andrew U. D. Straw, hereby certify that on the date set forth below, I electronically filed the foregoing **PETITION** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record.

- I sent a copy of this petition via First Class U.S. Mail to the follow address on the below date using Docsmit.com:

U.S. Department of Justice  
Civil Division  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

Dated this 4<sup>th</sup> day of February, 2024

Respectfully,



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