

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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DAVID R. MCGINLEY – PETITIONER  
VS.  
COMMONWEALTH OF PENNSYLVANIA, et. al. – RESPONDENTS

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

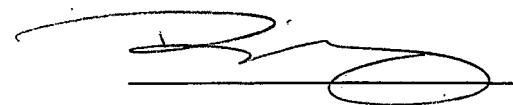
The petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Dauphin County Common Pleas Court, Front & Market Streets, Harrisburg, PA 17101

The Superior Court of Pennsylvania, P.O. Box 62435, Harrisburg, PA 17106-2435

The Supreme Court of Pennsylvania, P.O. Box 62575, Harrisburg, PA 17106-2575

Petitioner's affidavit or declaration in support of this motion is attached hereto.



(Signature)

**AFFIDAVIT OR DECLARATION**  
**IN SUPPORT OF MOTION TO PROCEED *IN FORMA PAUPERIS***

I, David R. McGinley, am the petitioner in the above-titled case. In support of my Motion to Proceed *In Forma Pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefore; and I believe I am entitled to redress.

1. The petitioner is an unmarried man and shall estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| <b>Income Source</b>         | <b>Avg. Monthly Amt. past 12 mos.</b> | <b>Amount expected next month</b> |
|------------------------------|---------------------------------------|-----------------------------------|
| Employment                   | 56.50                                 | 56.50                             |
| Self-employment              | none                                  | none                              |
| Income from real property    | none                                  | none                              |
| Interest & dividends         | none                                  | none                              |
| Gifts                        | 57.50                                 | none                              |
| Alimony                      | none                                  | none                              |
| Child support                | none                                  | none                              |
| Retirement                   | none                                  | none                              |
| Disability                   | none                                  | none                              |
| Unemployment payments        | none                                  | none                              |
| Public assistance            | none                                  | none                              |
| Other (specify)              | none                                  | none                              |
| <b>Total monthly income:</b> | <b>114.00</b>                         | <b>56.50</b>                      |

2. List your employment history for the past two years, most recent first.

(Gross pay is before taxes or other deductions.)

| Employer  | Address                   | Employment dates  | Pay/mo. |
|-----------|---------------------------|-------------------|---------|
| Pa.D.O.C. | P.O. Box 256, Waymart, PA | 12/7/95 – current | 56.50   |

3. List your spouse's employment history for the past two years, most recent employer first.

Not applicable – petitioner is not married

4. How much cash do you have? \$14.97

Below, state any money you have in bank accounts or in any other financial institutions.

| Financial institution | Type of account | Amount you have |
|-----------------------|-----------------|-----------------|
| Pa.D.O.C.             | Inmate account  | \$14.97         |

5. List the assets, and their value, which you own. Do not include clothing or ordinary household furnishings.

Home: none

Other real estate: none

Motor vehicles: none

Other assets: none

6. State every person, business, or organization owing you money, and the amount owed: none

7. State every person who relies on you for support: none

8. Estimate your average monthly expenses. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

|                               |       |
|-------------------------------|-------|
| Rent or mortgage              | none  |
| Utilities (phone)             | 3.00  |
| Utilities (cable TV)          | 17.00 |
| Home maintenance              | none  |
| Food                          | 15.00 |
| Clothing (not shoes)          | 2.50  |
| Laundry/dry cleaning          | none  |
| Medical/dental expenses       | 1.00  |
| Transportation                | none  |
| Recreation (books, magazines) | 3.00  |
| Insurance                     | none  |
| Sales tax                     | 1.50  |
| Alimony/support payments      | none  |
| Business expenses             | none  |

Other (specify): legal costs (photocopy fees, paper, typewriter ribbons, pens, envelopes, folders, postage fees, legal research materials, storage boxes, binders, pencils, hi-liter markers, writing paper, etc.), personal toiletries (deoderant, soap, shampoo, conditioner, body powder, cotton swabs, hand lotion, etc.), sundries (antacid, cold remedies, pain relievers, muscle rub, allergy pills, shaving cream, razors, first-aid supplies, shoe laces, sun block, Scotch tape, tooth paste, tooth brushes, lip balm, after-shave, vitamins, laundry detergent, wash cloths, Kleenex, sewing supplies, antibiotic ointment, band-aids, antifungal cream, etc.)

Other total: 13.50

**Total monthly expenses:** 56.50

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes (see additional page)

10. Have you paid - or will you pay - an attorney any money for services in connection with this case, including completion of this form?

No

11. Have you paid - or will you pay - anyone other than an attorney (such as a paralegal or typist) any money for services connected with this case, including completion of this form?

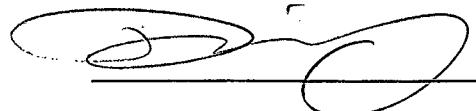
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12. Provide any information that will help you explain why you cannot pay the costs of this case.

The petitioner is an inmate who gets paid 42¢ per hour. The petitioner owes over \$2500 in court costs and fees, as well as legal fees in excess of \$150,000. Occasional gifts from the petitioner's family supplement his meager income, but are not dependable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 25, 2018



(Signature)