

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Robert E. Tippens, Jr. — PETITIONER
(Your Name)

VS.

Howard W. Clark, et al. — RESPONDENT(S)

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:

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

CIRCUIT COURT OF MECKLENBURG COUNTY VIRGINIA order attached hereto.
United States District Court Eastern District, Richmond Division order attached hereto

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.

Robert E. Tippens Jr.
(Signature)

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

I, Robert E. Tippens, Jr., am the petitioner in the above-entitled 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 therefor; and I believe I am entitled to redress.

1. For both you and your spouse 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.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>54.00</u>	\$ <u>none</u>	\$ <u>54.00</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>25.00</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>none</u>	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>79.00</u>	\$ <u>none</u>	\$ <u>54.00</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>BALL</u>	<u>4150 Hotel Mill</u> <u>Brucerville, Va</u> <u>23915</u>	<u>on or about</u> <u>JULY 30, 2014</u> <u>To Present</u>	<u>\$ 54.00</u> <u>\$</u> <u>\$</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u>	<u>None</u>	<u>None</u>	<u>\$ None</u> <u>\$</u> <u>\$</u>

4. How much cash do you and your spouse have? \$ 10

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>in my savings account</u>	<u>\$ 478.00</u>	<u>\$ None</u>
	<u>\$</u>	<u>\$</u>
	<u>\$</u>	<u>\$</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home

Value None

Other real estate

Value None

Motor Vehicle #1

Year, make & model None

Motor Vehicle #2

Year, make & model None

Value 0

Value 0

Other assets

Description No Other Assets

Value 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>None</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>None</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>None</u>	\$ <u>None</u>
Credit card(s)	\$ <u>None</u>	\$ <u>None</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>None</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>None</u>	\$ <u>None</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>None</u>	\$ <u>None</u>
Other (specify): <u>None</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>41.00</u>	\$ <u>0</u>

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 No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

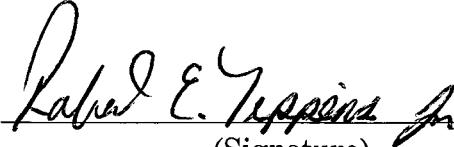
If yes, state the person's name, address, and telephone number:

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

I am an offender in the Virginia Department of Corrections & Labor for Penys.

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

Executed on: August 9, 2018, 2018


(Signature)

VIRGINIA: IN THE CIRCUIT COURT OF MECKLENBURG
COUNTY

ROBERT E. TIPPENS, JR.,

PETITIONER

Case No. C18-158

HAROLD W. CLARK
DIRECTOR OF THE VIRGINIA
DEPARTMENT OF CORRECTIONS,
et al s

RESPONDENTS

**ORDER GRANTING MOTION FOR LEAVE TO PROCEED *IN FORMA
PAUPERIS***

This matter came to be heard on the date below written upon the motion filed in this matter by the Petitioner requesting to proceed *in forma pauperis*.

The Court having reviewed the pleadings and exhibits in the file does hereby determine, pursuant to Va. Code Sections 8.01-691 and 17.1-606 that the Petitioner is unable to pay filing fees herein.

UPON CONSIDERATION WHEREOF, it is ORDERED that the Petitioner's request to proceed *in forma pauperis* is GRANTED.

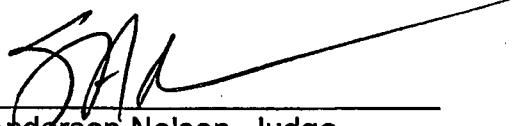
In accordance with Va. Code Sec. 8.01-691, the Petitioner shall make monthly payments to the clerk of this court in the amount of FIVE DOLLARS (\$5.00) per month towards satisfaction of the filing fee and costs.

Entered: February 13, 2018

TRUE COPY TESTE
Michelle G. Gordon, Clerk
By: C. Black
Deputy Clerk
Circuit Court of Mecklenburg
State of Virginia

Michelle Gordon, Clerk
Copy Teste: Michelle Gordon, Clerk, Mecklenburg Circuit Court
Electronic Certification Made Pursuant § 17.1-258.3 & 17.1-258.4

Feb 13 2018 3:41 PM COSIGN


S. Anderson Nelson, Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROBERT E. TIPPENS, JR.,

Plaintiff,

v.

Civil Action No. 3:18CV298

HAROLD W. CLARKE,

Defendant.

**MEMORANDUM ORDER
(Conditionally Docketing Action)**

Plaintiff, a Virginia inmate, has submitted this civil action. He also has applied to proceed *in forma pauperis*. It is ORDERED that:

1. This action is CONDITIONALLY docketed.
2. Within thirty (30) days from the date of entry hereof, Plaintiff must submit a

statement under oath or under penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

The Court is forwarding to Plaintiff an affidavit for compliance with the above procedures. Failure to complete the affidavit **in its entirety will result in summary dismissal of the action.**

3. The Clerk shall obtain a certified copy of Plaintiff's trust fund account for the six (6) month period immediately preceding the initiation of this action.
4. Plaintiff must affirm his intention to pay the entire \$350.00 filing fee. Accordingly, he is required to read, sign, and return to the Court the enclosed consent to collection of fees form within thirty (30) days of the date of entry hereof.

5. Failure to comply strictly with any of the above time requirements will result in summary dismissal of the action. *See Fed. R. Civ. P. 41(b).*

6. Plaintiff need not comply with paragraphs 1 through 5 if he submits the full \$350.00 filing fee, a \$50.00 administrative fee, and withdraws his request to proceed *in forma pauperis* within thirty (30) days of the date of entry hereof.

7. Plaintiff is prohibited from filing any other pleadings, motions, memoranda, or material not specifically required herein or otherwise specifically ordered by the Court until he is granted leave to proceed *in forma pauperis* or pays the full filing fee. Any documents submitted in violation of this paragraph will not be considered.

8. The Court DOES NOT ACCEPT documents or pleadings submitted on paper that exceeds 8½ inches by 11 inches in size, or that contains writing on the reverse side of a page. **ANY SUBMISSION MADE IN VIOLATION OF THIS PARAGRAPH WILL NOT BE CONSIDERED BY THE COURT.**

9. Plaintiff must immediately advise the Court of his new address in the event that he is transferred, released, or otherwise relocated while the action is pending. **FAILURE TO DO SO WILL RESULT IN DISMISSAL OF THE ACTION.**

10. All correspondence for the Court shall be directed to: Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse, 701 East Broad Street, Richmond, VA 23219.

The Clerk is DIRECTED to send a copy of this Memorandum Order to Plaintiff.

It is so ORDERED.

/s/

Roderick C. Young
United States Magistrate Judge

Date: May 17, 2018
Richmond, Virginia