

No. 18 -

In the Supreme Court of the United States

In re GARY IVAN TERRY,

PETITIONER,

v.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT,

RESPONDENT.

ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

To the Honorable, the Supreme Court of the United States:

Petitioner, Gary Ivan Terry, respectfully ask leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioners' affidavit or declaration in support of this motion is attached

RECEIVED

SEP - 4 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

hereto.

Date: August 21, 2018.

/s/ Gary I. Terry
Gary Ivan Terry
Petitioner
3817 Cotswold Avenue
Unit B
Greensboro, NC 27410
(336) 686-3595

ACTING PRO-SE

No. 18 -

IN THE
SUPREME COURT OF THE UNITED STATES

In re Gary Ivan Terry — PETITIONER
(Your Name)

VS.

Fourth Circuit Court of Appeals — 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):

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.


(Signature)

Dated: August 21, 2018

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

I, Gary Ivan Terry, 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	\$ 3,230.00	\$ N/A	\$ 0.00	\$ N/A
Self-employment	\$ 0.00	\$	\$ 0.00	\$
Income from real property (such as rental income)	\$ 0.00	\$	\$ 0.00	\$
Interest and dividends	\$ 0.00	\$	\$ 0.00	\$
Gifts	\$ 0.00	\$	\$ 0.00	\$
Alimony	\$ 0.00	\$	\$ 0.00	\$
Child Support	\$ 0.00	\$	\$ 0.00	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$	\$ 0.00	\$
Disability (such as social security, insurance payments)	\$ 0.00	\$	\$ 0.00	\$
Unemployment payments	\$ 0.00	\$	\$ 1,400.00	\$
Public-assistance (such as welfare)	\$ 0.00	\$	\$ 0.00	\$
Other (specify): _____	\$ 0.00	\$	\$ 0.00	\$
Total monthly income:	\$ 3,230.00	\$ 	\$ 1,400.00	\$

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>APCO Freight</u>	<u>Greensboro, N.C.</u>	<u>05/14 - 07/18</u>	<u>\$ 3,270.00</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>N/A</u>	_____	_____	<u>\$</u> _____
_____	_____	_____	<u>\$</u> _____
_____	_____	_____	<u>\$</u> _____

4. How much cash do you and your spouse have? \$ _____
 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>Checking Acct.</u>	<u>\$ 235.00</u>	<u>\$ N/A</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 _____

Other real estate
 Value _____

Motor Vehicle #1
 Year, make & model 2001 Pontiac Grand Prix
 Value \$3,200.00

Motor Vehicle #2
 Year, make & model _____
 Value _____

Other assets
 Description _____
 Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
Jeremy I. Terry	Son - College Student	27
Donovan B. Terry	Son - College Student	25
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 695.00	\$ N/A
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 305.00	\$ _____
Home maintenance (repairs and upkeep)	\$ 0.00	\$ _____
Food	\$ 325.00	\$ _____
Clothing	\$ 50.00	\$ _____
Laundry and dry-cleaning	\$ 20.00	\$ _____
Medical and dental expenses	\$ 75.00	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 250.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 75.00	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 25.00	\$ _____
Life	\$ 25.00	\$ _____
Health	\$ 0.00	\$ _____
Motor Vehicle	\$ 95.00	\$ _____
Other: _____	\$ 0.00	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 135.00	\$ _____
Installment payments		
Motor Vehicle	\$ 105.00	\$ _____
Credit card(s)	\$ 0.00	\$ _____
Department store(s)	\$ 0.00	\$ _____
Other: _____	\$ 0.00	\$ _____
Alimony, maintenance, and support paid to others	\$ 400.00	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ _____
Other (specify): <u>Restitution (U.S. GSA)</u>	\$ 415.00	\$ _____
Total monthly expenses:	\$ 2,995.00	\$ N/A

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.

Yes. If a Writ of Mandamus is granted in his case, Petitioner will not longer have to suffer from the lingering collateral consequences of an unconstitutional or unlawful conviction based on egregious legal errors or on patently erroneous errors of fact.

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? See Petitioner's Motion to Retain Hired Private Counsel

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.

The actions taken by the United States Court of Appeals for the Fourth Circuit has deprived Petitioner of his statutory and procedural due process rights in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution and laws of the United States pursuant to the Contract Disputes Act of 1978, 28 U.S.C. Section 1346(a)(2), 41 U.S.C. Section(s) 601-613, re-codified under the Contract Disputes Act of 2011, 41 U.S.C. Section(s) 7101-7109.

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

Executed on: August 21, 2018

Sharyn Queen
(Signature)