

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

18-6373

IN THE  
SUPREME COURT OF THE UNITED STATES

ERWIN EUGENE SEMIEN

— PETITIONER

(Your Name)

VS.  
UNITED STATES OF AMERICA

— RESPONDENT(S)

FILED  
SEP 27 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.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*.

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

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 17-40970.  
\_\_\_\_\_

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.

Ervin E. Semien  
(Signature)

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SUPREME COURT, U.S.

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

I, ERWIN EUGENE SEMIEN, 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>0</u> 0	\$ <u>0</u> 0	\$ <u>0</u> 0	\$ <u>0</u> 0
Self-employment	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Income from real property (such as rental income)	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Interest and dividends	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Gifts	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Alimony	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Child Support	\$ <u>0</u> 0	\$ <u>1400</u> 0	\$ <u>0</u> 0	\$ <u>1400</u> 0
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Disability (such as social security, insurance payments)	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Unemployment payments	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Public-assistance (such as welfare)	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0	\$ <u>          </u> 0
Other (specify): <u>Food Stamps</u>	\$ <u>0</u> 0	\$ <u>400</u> 1,800	\$ <u>0</u> 0	\$ <u>400</u> 1,800
<b>Total monthly income:</b>	<b>\$ <u>          </u></b>	<b>\$ <u>          </u></b>	<b>\$ <u>          </u></b>	<b>\$ <u>          </u></b>

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

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
Facilities dept.	Beaumont Low	04-01-2015	\$ 60.00
			\$
			\$

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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
None		N/A	\$ None
			\$
			\$

4. How much cash do you and your spouse have? \$ None

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

<b>Financial institution</b>	<b>Type of account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
0	None	\$ 0	\$ 0

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

Home      None  
Value   

Other real estate      None  
Value   

Motor Vehicle #1  
Year, make & model 2001 Dodge Ram  
Value   \$2000  

Motor Vehicle #2  
Year, make & model 2009 Honda Pilot  
Value   Don't know (broken)  

Other assets.. We have nothing.  
Description     
Value   \$0.00

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

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
None	\$ 0.00	\$ 0.00
	\$ _____	\$ _____
	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
Zachary M. Kutack	Son	16
Summer Semien	Daughter	13
Stassi & Scarlett Semien	Daughter's	age's 4 and 7

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	0 \$ _____	750 \$ _____
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 200+
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 0	\$ 500+
Clothing	\$ 0	\$ 100
Laundry and dry-cleaning	0 \$ _____	60 \$ _____
Medical and dental expenses	\$ 0	\$ 125 (son)

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ 0	\$ 200 (fuel)
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
<b>Insurance (not deducted from wages or included in mortgage payments)</b>		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
N/A	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
<b>Taxes (not deducted from wages or included in mortgage payments)</b>		
Rent's Apartment	\$ 0	\$ 0
(specify): _____	\$ 0	\$ 0
<b>Installment payments</b>		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
None	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
<b>Regular expenses for operation of business, profession, or farm (attach detailed statement)</b>		
none	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0
<b>Total monthly expenses:</b>	\$ 0	\$ 1935.00

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? \$10,000

If yes, state the attorney's name, address, and telephone number: Jimi D. Hamm  
1900 Broadway @ 3rd. Beaumont, Texas 77701. (409) 813-1004.  
He is no longer representing me. And did not represent me on  
my Appeal.

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 do not have any income. I lost everything when I came to prison. My wife is ill and unable to work. They are currently living off Child support and food stamps and usually have to borrow money from family just to get by. We lost everything and I was the sole provider for my family.

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

Executed on: September 21, 2018

Ervin E. Semien  
(Signature)