

18-6521

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LEONARD J. PORTO III, Petitioner

Supreme Court, U.S.
FILED

SEP 01 2018

OFFICE OF THE CLERK

v.

CITY OF LAGUNA BEACH and JOHN PIETIG, Respondents

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

The Petitioner, LEONARD J. PORTO III, asks for leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed in forma pauperis. Pursuant to Supreme Court Rule 39.1, Petitioner has attached an affidavit in support of this motion. Additionally, Petitioner was granted leave to proceed in forma pauperis in the district court, which is attached at App. 43, and the Ninth Circuit continued that status on appeal and appointed undersigned pro bono counsel to assist him, *see* CA 14-56079, Doc. 25 and 58.

Respectfully submitted,



Anne R. Traum
Counsel for Petitioner
LEONARD J. PORTO III

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

I, Leonard J. Porto III, 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>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Self-employment	\$ <u>787.00</u>	\$ _____	\$ <u>150.00</u>	\$ _____
Income from real property (such as rental income)	\$ <u>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Interest and dividends	\$ <u>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Gifts	\$ <u>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Alimony	\$ <u>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Child Support	\$ <u>n/a</u>	\$ _____	\$ <u>n/a</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>206.00</u>	\$ _____	\$ <u>750.00</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Other (specify): <u>n/a</u>	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>993.00</u>	\$ _____	\$ <u>900.00</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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
N/A			

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
N/A			

4. How much cash do you and your spouse have? \$ 5.00

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

Type of account	Amount you have	Amount your spouse has
<u>Business Checking</u>	<u>\$ 137.00</u>	<u>\$ n/a</u>
<u>Personal Checking</u>	<u>\$ 0.17</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 n/a

Other real estate
Value n/a

Motor Vehicle #1
Year, make & model 1968 Chev. Camaro
Value \$ 800.00 Paid

Motor Vehicle #2
Year, make & model n/a
Value _____

Other assets
Description 6 used computers, 5 used monitors, 2 used printers, used scuba gear, used bicycle.
Value: 200.00

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
_____	\$ _____	\$ _____
<u>n/a</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
_____	_____	_____
<u>n/a</u>	_____	_____
_____	_____	_____

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)	\$ <u>144.00</u>	\$ <u>n/a</u>
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)	\$ <u>78.00 (cell)</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>n/a</u>	\$ _____
Food	\$ <u>251.00</u>	\$ _____
Clothing (toiletries)	\$ <u>5.00</u>	\$ _____
Laundry and dry-cleaning	\$ <u>10.00</u>	\$ _____
Medical and dental expenses	\$ <u>10.00</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ n/a
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ n/a	\$ _____
Life	\$ n/a	\$ _____
Health	\$ n/a	\$ _____
Motor Vehicle	\$ 80	\$ _____
Other: _____	\$ n/a	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ _____
Credit card(s)	\$ 0	\$ _____
Department store(s)	\$ 0	\$ _____
Other: <u>2 pmnts. for car repair loan</u>	\$ 400.00	\$ _____
Alimony, maintenance, and support paid to others	\$ 0	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ _____
Other (specify):	\$ 0	\$ _____
Total monthly expenses:	\$ 978.00	\$ _____

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? _____

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

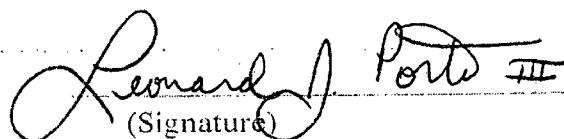
If yes, how much? _____

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 repaying an \$ 800.00 loan for car repairs.

I declare under penalty of perjury that the foregoing is
true and correct. Executed on: September 24, 2018


(Signature)