

No. 18-6579

IN THE
SUPREME COURT OF THE UNITED STATES

Patricia Ann McQuarry - Petitioner

vs.

United States of America - 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):

USDC for the District of Minnesota, No.: 0:13-CR-00164-PJS-LIB-2

United States Court of Appeals for the Eighth Circuit, No.: 14-3605

☐ 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: unknown

_____, or

☐ a copy of the order of appointment is appended.

Explicitly Reserving All Rights, Without Prejudice,

Patricia Ann McQuarry
(Signature)

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

I, Patricia Ann McQuarry, 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. See # 12

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 192.00	\$	\$ 192.00	\$
Other (specify):	\$ 0	\$	\$ 0	\$
Total monthly income:	\$ 192.00	\$	\$ 192.00	\$

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
Thomas McQuarry	609 51st Avenue N.E.	3/1/17 - 3/17/18	\$ room & board
FMC Lexington	Kentucky	2/1/15 - 12/19/16	\$ 10
			\$

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.) N/A

Employer	Address	Dates of Employment	Gross monthly pay
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
		\$ 0	\$
		\$ 0	\$
		\$ 0	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. NONE

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ 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. NONE

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

7. State the persons who rely on you or your spouse for support. NONE

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ 0 _____	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0 _____	\$ _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ _____
Food	\$ 192.00 _____	\$ _____
Clothing	\$ 0 _____	\$ _____
Laundry and dry-cleaning	\$ 0 _____	\$ _____
Medical and dental expenses	\$ 0 _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0 _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0 _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0 _____	\$ _____
Life	\$ 0 _____	\$ _____
Health	\$ 0 _____	\$ _____
Motor Vehicle	\$ 0 _____	\$ _____
Other: _____	\$ 0 _____	\$ _____
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: _____	\$ 0 _____	\$ _____
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:	\$ 192.00 _____	\$ _____

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 have been physically disabled since about 1992 from a botched up cesarean surgery in 1990. In 1995 I was in a 75 car pile-up high speed accident resulting in 7 herniated discs, nerve damage, and advanced osteoarthritis in my spine. My health deteriorated more rapidly when I was falsely imprisoned under a false identity, unable to get access to my medical records for the proper medical treatment. I did not enter prison with osteoporosis in September of 2014 but I left prison in December of 2016 with full fledged osteoporosis most likely due to no access to sunlight for 7 months and malnutrition. My life, liberty, and property were all taken by the state with no due process of law. Currently I am reaching out for help to deal with chronic pain and extreme PTSD from the governments' wrongful abuse of power and the deprivation of my most basic

fundamental rights guaranteed by the Constitution. I have no income besides food stamps, and am unemployable with my physical and mental (PTSD) disabilities; the felony on my record creates an even greater disability. I am living under the charity and good will of my brother at this time.

I have no contact with my estranged husband Mark Allen Garcia and we have been separated and living apart since September 2014. I receive no spousal or financial support from Mr. Garcia and have no knowledge of his income or where he is living. Mr. Garcia abandoned me and my daughter in 2014, forged my signature on my personal checks without my consent, overdrafted and closed my checking account, gave my house, property, clothes, wedding ring, and even my cat to his girlfriend Lisa Dayon while I was incarcerated and prior to Mr. Garcia's incarceration in 2014. In the interest of my own physical, mental and emotional health, I reserve my right to have no contact with Mr. Garcia.

If this court finds it necessary, the DOJ, the Assistant U.S. Attorney Kimberly Svendsen, or Mr. Garcia's probation officer should have knowledge of his whereabouts and his income without causing me any further stress, anxiety, and grief in this matter.

I, Patricia Ann McQuarry declare under penalty of perjury, under the laws of the United States of America, without the "United States", that the foregoing is true and correct pursuant to my personal firsthand knowledge so help me God, 28 U.S. 1746(1).

Executed on: November 20, 2018

Explicitly Reserving All Rights, Without Prejudice,

By: Patricia Ann McQuarry
Patricia Ann McQuarry

IN THE
SUPREME COURT OF THE UNITED STATES
No: 18-6579

Patricia Ann McQuarry, Petitioner

PROOF OF SERVICE

I, Patricia Ann McQuarry, do swear or declare that on this date, November 20, 2018 as required by Supreme Court Rule 29 I have served the enclosed amended MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

United States Courts Probation, District of Arizona, Tucson, Judge Cindy K. Jorgenson,
405 West Congress Street, Suite 5180, Tucson, AZ 85701-5052

Kimberly A. Svendsen, AUSA, U.S. Courthouse, 300 S 4th Street, Suite 600,
Minneapolis, MN 55415

Solicitor General of the United States, Room 5616, U.S. Department of Justice,
950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001

I declare under penalty of perjury under the laws of the United States of America, without the "United States", that the foregoing is true and correct so help Me God, pursuant to 28 U.S.C. 1746(1).

Executed on November 20, 2018

Explicitly Reserving All Rights,
Without Prejudice,

By: Patricia Ann McQuarry
Patricia Ann McQuarry