

18-6611

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

AUG 24 2018

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Sherif A. Phillips, MD — PETITIONER
(Your Name)

NC State, NC Court System, NC Agency VS.
PCM4, Paul Bolin, Ralph Whalley, David Creech, Jay Salsman, Debbie Meyer,
Karon Zane, James Calouse, Nardine Gurgus 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)

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

I, _____, 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>15000</u>	\$ <u>9000</u>	\$ <u>15000</u>	\$ <u>9000</u>
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>54000</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>15000</u>	\$ <u>9000</u>	\$ <u>15000</u>	\$ <u>9000</u>

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

CP

\$ CP

\$ CP

\$ _____

\$ _____

\$ _____

\$ _____

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

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)

\$ 7000

\$ the same

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☒ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 1000

\$ the same

Home maintenance (repairs and upkeep)

\$ 500

\$ the same

Food

\$ 1000

\$ the same

Clothing

\$ 3000

\$ the same

Laundry and dry-cleaning

\$ 1000

\$ the same

Medical and dental expenses

\$ 5000

\$ the same

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>300 / Month</u>	\$ <u>200</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>500 / year</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>3000</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>3000</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>1500</u>	\$ <u>0</u>
Other: _____	\$ _____	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ <u>850</u>	\$ <u>0</u>
Credit card(s)	\$ <u>10,000 / Month</u>	\$ <u>0</u>
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>20,000</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
self employment		July 2007 - up till now	\$ 15000
			\$
			\$

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
VA clinic	Greenville NC	Dec 2015 - up till now	\$ 9000
			\$
			\$

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
BBT	\$ 1500	\$ the same
Bank of America	\$ 3000	\$ the same
Bank of Hawaii	\$ 50	\$ the same

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

☒ Home
Value \$ 800,000

☒ Other real estate
Value 400000

☒ Motor Vehicle #1
Year, make & model Toyota Camry 2009
Value 2000

☒ Motor Vehicle #2
Year, make & model Benz S550 2007
Value 20,000

☐ Other assets
Description \$
Value

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.

Plaintiff had spent almost \$2 million dollars to defend himself. He is in debt and hardly making his payments.

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

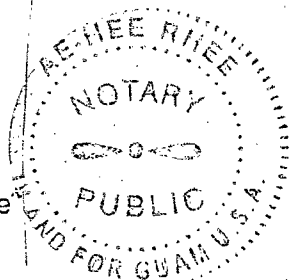
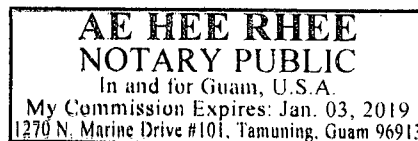
Executed on: OCTOBER, 2018

Guam, U.S.A.

Subscribed and sworn to before me this 1st day of NOVEMBER, 2018

By SHERIF A PHILIPS

Notary



** Documents which have "Territory of Guam" in the notary are not permitted and cannot be notarized. Please ask for or refer to Public Law No. 24-89 dated 1998 passed by Guam Legislation in which reference to the term "Territory" is prohibited.