

No. 18-6942

IN THE  
SUPREME COURT OF THE UNITED STATES  
For the Third Circuit

MONSERRATE ZAPATA — PETITIONER  
(Your Name)

VS.

PECO, PHILA. ELECTRIC CO. 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):

Third Circuit Court E.D. Pa. No. 17, 3441 February 20, 2018;

Review April 4, 2018, final Mandate May 8, 2018.

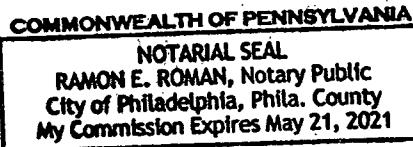
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

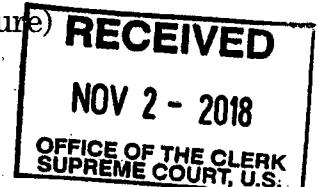
Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

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, Monserrate Zapata, 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.S. Army	\$ 1, 097.	\$ None	\$ monthly	\$ none
Self-employment	\$ None	\$ None	\$ None	\$ none
Income from real property (such as rental income)	\$ none	\$ none	\$ none	\$ none
Interest and dividends	\$ None	\$ None	\$ None	\$ None
Gifts	\$ None	\$ None	\$ None	\$ None
Alimony	\$ N/a	\$ N/a	\$ N/a	\$ N/a
Child Support	\$ N/a	\$ N/a	\$ N/a	\$ N/a
Retirement (such as social security, pensions, annuities, insurance)	\$ N/a	\$ N/a	\$ N/a	\$ N/a
Disability (such as social security, insurance payments)	\$ N/a	\$ N/a	\$ N/a	\$ N/a
Unemployment payments	\$ N/a	\$ N/a	\$ N/a	\$ N/a
Public-assistance (such as welfare)	\$ None	\$ N/a	\$ N/a	\$ N/a
Other (specify): <u>as above</u>	\$ 1,097.	\$ N/a	\$ Monthly	\$ N/a
<b>Total monthly income:</b>	<b>\$ 1, 097.</b>	<b>\$ N/A</b>	<b>\$ Monthly</b>	<b>\$ N/a</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>
U.S. Army Pension			\$1,097.
			\$
			\$

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> N/a	<b>Address</b> N/a	<b>Dates of Employment</b> N/a	<b>Gross monthly pay</b> \$ N/a None
			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ No Spouse. I have \$200.  
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
Checking	\$200.	\$ None
	\$	\$
	\$	\$

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

Home

Other real estate  
Value None

Motor Vehicle #1 None \*  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_ \*

Motor Vehicle #2      None \*  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_ \*

Other assets      None I know of.  
Description \_\_\_\_\_  
Value \_\_\_\_\_

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ Senior	\$ None
Recreation, entertainment, newspapers, magazines, etc.	\$ Law books +?	\$ None
Insurance (not deducted from wages or included in mortgage payments)	None	
Homeowner's or renter's	\$ None	\$ None
Life Insurance as of now	\$ None	\$ None
Health	\$ None	\$ None
Motor Vehicle	\$ None	\$ None
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Real/ESTate (Per/year)</u>	<u>\$ 122.00</u>	\$ None
Installment payments		
Motor Vehicle	\$ None	\$ None
Credit card(s) Hope finished	\$ None	\$ None
Department store(s)	\$ none	\$ None
Other: <u>Disputing Avis Rent a Car</u>	<u>\$ 1,568.79.</u>	\$ None
Alimony, maintenance, and support paid to others	\$ None, I Hope	\$ None
Regular expenses for operation of business, profession, or farm (attach detailed statement)	None No Business	None \$ _____
Other (specify): <u>Post Office Mail (Per year)</u>	<u>\$ 20. about</u>	\$ None
<b>Total monthly expenses:</b> about	<u>\$ 900.</u>	\$ None

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
None I know of	\$ None	\$ No spouse
	\$ _____	\$ _____
	\$ _____	\$ _____

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
None I know of	None	None

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)	\$ None	\$ No wife
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone) R. Taxes: \$122.00.	Electric \$128.00. Heating fuel about \$200 Month Water \$33. \$ _____ Telephone \$28.00 per/month	\$ _____
Home maintenance (repairs and upkeep)? Hundreds over due repairs: Fuel Oil Heater needs repairs soon; and when it does* Food	\$ _____ \$150. Per/week \$ _____	\$ _____
Clothing	\$50. Per/month \$ _____	
Laundry and dry-cleaning	\$ 40. per/month \$ _____	
Medical and dental expenses: Teeth falling out, \$ _____ can afford it; VA does not include Dental.	\$ _____ ? \$ _____ No cure for Acid Reflux in 5 years.	

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, Not yet.

If yes, how much? \* Cockle, Legal Briefs 2311 Douglas St. OMAHA 68102

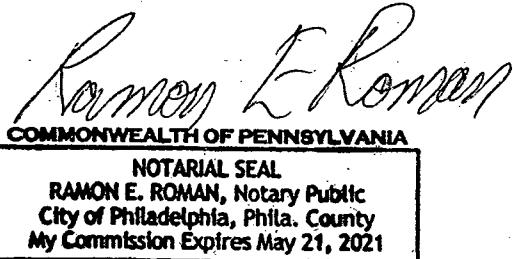
If yes, state the person's name, address, and telephone number: 800 225-6964\*

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I chose to be poor in the true sense of the word and at this particular time cannot afford expense; maybe in the near future I can try paying.

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

Executed on: October 22, 2018



151 West 46th Street  
(Signature)

UNITED STATES COURT OF APPEALS  
for the THIRD CIRCUIT

MONSERRATE ZAPATA ) CIVIL ACTION  
(Plaintiff) ) From U.S. Dist. Ct.  
Vs. ) 17-3699  
v. ) No.  
PECO, PHILADELPHIA, ELECTRIC )  
COMPANY, (defendants) )

**AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Monserrate Zapata

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: November, 2017

My issues on appeal are:

1. On Review under FED. Rul of Civ.Proc. 72(b) Petitioner presented: THE COURT HAD ENTERED MEMORANDUM & ORDER CONTRARY TO THE FACTS UPON WHICH PLAINTIFF MAKES HIS CLAIMS and others; Namely:

"That neither TWOMBLY nor IGBAL has changed the RULE "that JUDGES must not make findings of fact at the pleading stage (or for that matter the summary judgment stage)." A Complaint that invokes legal theory as (this one does) and contains plausible allegations on the material issues (as this one does) cannot be dismissed under Rule 12. RICHARDS V. MITCHEFF, 696 F.3d. 635, 636 (2012); See Lewis & Clark, LaQW Review (Spring 2010) defining PLAUSIBILITY Standard after BEKE ATLANTIC CORP VS. TWOMBLY & ASHCROFT V. IGBAL clashes on Rule 8 Pleading out-to unconstitutional law shores. AND

Whether Defendant PECO is a State Actor under all claims set forth in the Complaint? It is contended PECO is a State Actor and not that PECO is not the only Defendants. There are others concealed in "SHUT OFF NOTICES AND ORDERS"