

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.

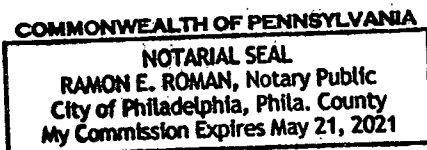
☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

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

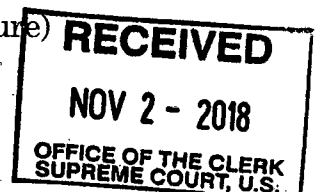
☐ The appointment was made under the following provision of law: _____

_____, or

☐ a copy of the order of appointment is appended.



Monserrate Zapata
(Signature)



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

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

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/a | N/a | N/a | \$ 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
Value \$50,000.

☐ 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

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

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? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

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

Electric \$128.00. Heating fuel about \$200^{*}Month

Water \$33. \$

R. Taxes: \$122.00.

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. OMAJA 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

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
RAMON E. ROMAN, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 21, 2021

151 M. J. [Signature]
(Signature)

UNITED STATES COURT OF APPEALS
for the THIRD CIRCUIT

MONSERRATE ZAPATA
(Plaintiff)

Vs.

v.

PECO, PHILADELPHIA, ELECTRIC
COMPANY, (defendants)

CIVIL ACTION

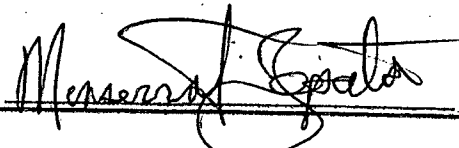
From U.S. Dist. Ct.
17-3699

No.

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: 

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 BELL 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"