

No. 18-6983

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

SHOLAM WEISS

(Your Name)

— PETITIONER

VS.

USA

— RESPONDENT(S)

Supreme Court, U.S.  
FILED

OCT 26 2018

OFFICE OF THE CLERK

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.

Sholam Weiss

(Signature)

# UNITED STATES DISTRICT COURT

for the

< \_\_\_\_\_ > DISTRICT OF < \_\_\_\_\_ >

<Name(s) of plaintiff(s)> *Shelom Weiss*

Plaintiff(s)

v.

<Name(s) of defendant(s)> *USA*

Defendant(s)

Case No. <Number>

*Court of Appeal No. 18-12015-A*

## 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: \_\_\_\_\_

*Shelom Weiss*

### 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 in 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: \_\_\_\_\_

*10/21/2018*

My issues on appeal are:

- (1) *Whether I was denied my right to counsel?*
- (2) *Whether I was denied my right to access to the courts or for review?*

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	\$	\$	\$	\$
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)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

2. List your 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
			\$
			\$

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? \$ \_\_\_\_\_

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

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
N/A		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year: <i>N/A</i>		
Model:		
Registration #:		

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
<i>N/A</i>	\$	\$
	\$	\$
	\$	\$
	\$	\$

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

Name [or, if under 18, initials only]	Relationship	Age
<i>N/A</i>		

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <i>N/A</i>	\$ <i>N/A</i>
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)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
<b>Total monthly expenses:</b>	<b>\$</b>	<b>\$</b>

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☐ Yes ☒ No

*If yes, how much?* \$ \_\_\_\_\_

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *State the city and state of your legal residence.*

*Your daytime phone number:* (\_\_\_\_) 577

*Your age:* 64 *Your years of schooling:* 12

*Last four digits of your social-security number:* \_\_\_\_\_

# Inmate Statement

Inmate Reg #: 32610054  
 Inmate Name: WEISS, SHOLAM  
 Report Date: 10/19/2018  
 Report Time: 2:11:19 PM

Current Institution: Otisville FCI  
 Housing Unit: OTV-G-B  
 Living Quarters: G07-2091



*U. GERRY*  
*CASE MANAGER*  
*FCI OTISVILLE, NY*

<u>Alpha</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
OTV	10/18/2018 8:20:17 AM	TL1018			TRUL Withdrawal	(\$30.00)		\$259.85
OTV	10/17/2018 6:47:13 AM	13			Sales	(\$34.55)		\$289.85
OTV	10/14/2018 8:44:15 AM	TL1014			TRUL Withdrawal	(\$30.00)		\$324.40
OTV	10/10/2018 9:10:10 PM	TL1010			TRUL Withdrawal	(\$30.00)		\$354.40
OTV	10/10/2018 11:05:26 AM	74			Sales	(\$158.60)		\$384.40
OTV	10/8/2018 6:04:49 PM	33418281			Money Gram	\$400.00		\$543.00
OTV	10/5/2018 4:55:11 PM	TL1005			TRUL Withdrawal	(\$30.00)		\$143.00
OTV	10/4/2018 6:54:02 PM	TFN1004			Phone Withdrawal	(\$40.00)		\$173.00
OTV	10/4/2018 10:53:04 AM	53			Sales	(\$165.65)		\$213.00
OTV	10/2/2018 6:27:57 PM	TL1002			TRUL Withdrawal	(\$30.00)		\$378.65
OTV	9/26/2018 12:50:46 PM	TL0926			TRUL Withdrawal	(\$30.00)		\$408.65
OTV	9/20/2018 6:26:52 PM	TFN0920			Phone Withdrawal	(\$30.00)		\$438.65
OTV	9/20/2018 3:21:34 PM	TL0920			TRUL Withdrawal	(\$30.00)		\$468.65
OTV	9/14/2018 5:28:50 PM	TL0914			TRUL Withdrawal	(\$30.00)		\$498.65
OTV	9/13/2018 6:04:46 PM	33318256			Western Union	\$400.00		\$528.65
OTV	9/12/2018 8:19:57 AM	TL0912			TRUL Withdrawal	(\$30.00)		\$128.65
OTV	9/5/2018 12:10:48 PM	TFRP0918			FRP Quarterly Pymt	(\$150.00)		\$158.65
OTV	9/5/2018 11:08:57 AM	TL0905			TRUL Withdrawal	(\$30.00)		\$308.65
OTV	9/4/2018 11:00:13 AM	76			Sales	(\$115.20)		\$338.65
OTV	9/2/2018 6:10:41 PM	TFN0902			Phone Withdrawal	(\$50.00)		\$453.85
OTV	8/31/2018 8:55:28 AM	TL0831			TRUL Withdrawal	(\$30.00)		\$503.85
OTV	8/31/2018 7:05:29 AM	33418243			Money Gram	\$500.00		\$533.85
OTV	8/30/2018 11:54:06 AM	TL0830			TRUL Withdrawal	(\$30.00)		\$33.85
OTV	8/28/2018 11:00:50 AM	15			Sales	(\$118.90)		\$63.85
OTV	8/27/2018 5:31:55 PM	TL0827			TRUL Withdrawal	(\$30.00)		\$182.75
OTV	8/23/2018 10:43:51 AM	TL0823			TRUL Withdrawal	(\$30.00)		\$212.75
OTV	8/21/2018 10:53:02 AM	17			Sales	(\$228.10)		\$242.75
OTV	8/20/2018 7:08:11 PM	TL0820			TRUL Withdrawal	(\$30.00)		\$470.85
OTV	8/16/2018 6:40:41 PM	TFN0816			Phone Withdrawal	(\$30.00)		\$500.85
OTV	8/15/2018 12:22:18 PM	TL0815			TRUL Withdrawal	(\$30.00)		\$530.85
OTV	8/10/2018 7:05:46 AM	TL0810			TRUL Withdrawal	(\$30.00)		\$560.85
OTV		33318219			Western Union	\$500.00		\$590.85

10/18/1



	8/7/2018 3:05:16 PM							
OTV	8/7/2018 7:12:14 AM	TL0807	TRUL Withdrawal	(\$30.00)				\$90.85
OTV	8/1/2018 7:42:43 PM	TL0801	TRUL Withdrawal	(\$30.00)				\$120.85
OTV	8/1/2018 11:26:26 AM	TFN0801	Phone Withdrawal	(\$56.00)				\$150.85
OTV	7/29/2018 5:29:10 PM	TL0729	TRUL Withdrawal	(\$30.00)				\$206.85
OTV	7/24/2018 12:07:18 PM	TL0724	TRUL Withdrawal	(\$30.00)				\$236.85
OTV	7/19/2018 7:26:34 AM	TL0719	TRUL Withdrawal	(\$30.00)				\$266.85
OTV	7/16/2018 7:52:24 PM	TL0716	TRUL Withdrawal	(\$30.00)				\$296.85
OTV	7/12/2018 5:42:08 PM	TL0712	TRUL Withdrawal	(\$30.00)				\$326.85
OTV	7/10/2018 1:54:26 PM	TL0710	TRUL Withdrawal	(\$30.00)				\$356.85
OTV	7/9/2018 9:50:11 PM	TICP0718	Inmate Co-pay	(\$2.00)				\$386.85
OTV	7/5/2018 1:34:48 PM	TICP0718	Inmate Co-pay	(\$2.00)				\$388.85
OTV	7/4/2018 9:22:34 PM	TL0704	TRUL Withdrawal	(\$30.00)				\$390.85
OTV	7/1/2018 8:35:52 AM	TL0701	TRUL Withdrawal	(\$30.00)				\$420.85
OTV	7/1/2018 8:27:53 AM	TFN0701	Phone Withdrawal	(\$60.00)				\$450.85
OTV	6/29/2018 6:06:04 PM	33318180	Western Union	\$450.00				\$510.85
OTV	6/27/2018 5:23:27 PM	TL0627	TRUL Withdrawal	(\$30.00)				\$60.85
OTV	6/24/2018 8:54:17 PM	TL0624	TRUL Withdrawal	(\$30.00)				\$90.85
OTV	6/20/2018 11:16:57 AM	TL0620	TRUL Withdrawal	(\$30.00)				\$120.85
123								
<b>Total Transactions: 113</b>								
<b>Totals:</b>				<b>(\$39.50)</b>			<b>\$0.00</b>	

**Current Balances**

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
OTV	\$259.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$259.85
<b>Totals:</b>	<b>\$259.85</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$259.85</b>

**Other Balances**

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$3,150.00	\$3,190.90	\$304.82	\$543.00	\$361.02	N/A	N/A

## Inmate Statement



Inmate Reg #: 32610054      Current Institution: Otisville FCI  
 Inmate Name: WEISS, SHOLAM      Housing Unit: OTV-G-B  
 Report Date: 10/19/2018      Living Quarters: G07-209L  
 Report Time: 2:11:31 PM

Alpha						Transaction	Encumbrance
Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Amount	Amount Ending Balance
OTV	6/18/2018 9:49:06 AM	TL0618			TRUL Withdrawal	(\$30.00)	\$150.85
OTV	6/15/2018 7:00:35 AM	TL0615			TRUL Withdrawal	(\$30.00)	\$180.85
OTV	6/13/2018 2:42:49 PM	TL0613			TRUL Withdrawal	(\$30.00)	\$210.85
OTV	6/7/2018 6:26:21 PM	TL0607			TRUL Withdrawal	(\$30.00)	\$240.85
OTV	6/7/2018 1:29:13 PM	TFRP0618			FRP Quarterly Pymt	(\$150.00)	\$270.85
OTV	6/5/2018 9:46:01 AM	TFN0605			Phone Withdrawal	(\$50.00)	\$420.85
OTV	6/4/2018 8:09:21 PM	TL0604			TRUL Withdrawal	(\$30.00)	\$470.85
OTV	6/4/2018 3:05:51 PM	33318155			Western Union	\$400.00	\$500.85
OTV	6/2/2018 8:32:46 PM	TFN0602			Phone Withdrawal	(\$25.00)	\$100.85
OTV	5/31/2018 11:00:43 AM	19			Sales	(\$77.55)	\$125.85
OTV	5/31/2018 8:12:22 AM	TL0531			TRUL Withdrawal	(\$30.00)	\$203.40
OTV	5/26/2018 9:00:40 PM	TL0526			TRUL Withdrawal	(\$30.00)	\$233.40
OTV	5/22/2018 5:45:47 PM	TL0522			TRUL Withdrawal	(\$30.00)	\$263.40
OTV	5/22/2018 12:12:44 PM	TFN0522			Phone Withdrawal	(\$20.00)	\$293.40
OTV	5/22/2018 11:03:57 AM	43			Sales	(\$200.90)	\$313.40
OTV	5/14/2018 5:27:12 PM	TL0514			TRUL Withdrawal	(\$30.00)	\$514.30
OTV	5/11/2018 2:05:12 PM	33318131			Western Union	\$500.00	\$544.30
OTV	5/9/2018 10:21:25 AM	TL0509			TRUL Withdrawal	(\$30.00)	\$44.30
OTV	5/7/2018 6:47:44 AM	11			Sales	(\$76.45)	\$74.30
OTV	5/3/2018 11:27:06 AM	TFN0503			Phone Withdrawal	(\$40.00)	\$150.75
OTV	5/2/2018 8:15:05 AM	TL0502			TRUL Withdrawal	(\$30.00)	\$190.75
OTV	4/26/2018 7:15:19 AM	TL0426			TRUL Withdrawal	(\$30.00)	\$220.75
OTV	4/25/2018 11:51:35 AM	TFN0425			Phone Withdrawal	(\$20.00)	\$250.75
OTV	4/22/2018 7:01:50 PM	TL0422			TRUL Withdrawal	(\$30.00)	\$270.75
OTV	4/17/2018 11:52:13 AM	TL0417			TRUL Withdrawal	(\$30.00)	\$300.75
OTV	4/16/2018 7:04:03 AM	20			Sales	(\$190.10)	\$330.75
OTV	4/11/2018 7:54:00 AM	TL0411			TRUL Withdrawal	(\$30.00)	\$520.85
OTV	4/9/2018 11:05:17 AM	33318099			Western Union	\$400.00	\$550.85
OTV	4/4/2018 7:20:50 PM	TL0404			TRUL Withdrawal	(\$30.00)	\$150.85
OTV	4/2/2018 7:45:37 PM	TFN0402			Phone Withdrawal	(\$50.00)	\$180.85
OTV	3/29/2018 1:27:59 PM	TL0329			TRUL Withdrawal	(\$30.00)	\$230.85
OTV		TL0326			TRUL Withdrawal	(\$30.00)	\$260.85

OTV	3/26/2018 11:44:31 AM	TFN0322	Phone Withdrawal	(\$20.00)	\$290.85
OTV	3/22/2018 8:17:58 AM	TL0321	TRUL Withdrawal	(\$30.00)	\$310.85
OTV	3/15/2018 8:44:41 PM	TFN0315	Phone Withdrawal	(\$13.00)	\$340.85
OTV	3/15/2018 4:41:21 PM	TL0315	TRUL Withdrawal	(\$30.00)	\$353.85
OTV	3/15/2018 12:17:19 PM	23	Sales	(\$57.10)	\$383.85
OTV	3/11/2018 11:06:48 AM	TL0311	TRUL Withdrawal	(\$30.00)	\$440.95
OTV	3/8/2018 7:44:41 AM	TFRP0318	FRP Quarterly Pymt	(\$150.00)	\$470.95
OTV	3/6/2018 1:55:46 PM	TL0306	TRUL Withdrawal	(\$30.00)	\$620.95
OTV	3/1/2018 12:11:55 PM	TL0301	TRUL Withdrawal	(\$30.00)	\$650.95
OTV	3/1/2018 8:17:31 AM	TFN0301	Phone Withdrawal	(\$60.00)	\$680.95
OTV	3/1/2018 8:06:47 AM	5	Sales	(\$306.55)	\$740.95
OTV	2/27/2018 6:32:40 AM	33318058	Western Union	\$500.00	\$1,047.50
OTV	2/23/2018 7:05:41 PM	TICP0218	Inmate Co-pay	(\$2.00)	\$547.50
OTV	2/23/2018 10:20:25 AM	TL0223	TRUL Withdrawal	(\$30.00)	\$549.50
OTV	2/22/2018 8:10:11 AM	33318053	Western Union	\$500.00	\$579.50
OTV	2/22/2018 9:05:16 PM	4	Sales	(\$53.65)	\$79.50
OTV	2/18/2018 10:48:07 AM	TL0218	TRUL Withdrawal	(\$30.00)	\$133.15
OTV	2/15/2018 8:25:58 AM	26	Sales	(\$70.75)	\$163.15
OTV	2/15/2018 11:32:41 AM				

123

Total Transactions: 113

Totals: (\$39.50) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
OTV	\$259.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$259.85
<b>Totals:</b>	<b>\$259.85</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$259.85</b>

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		