

No. 18-\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

NELSON FIGUEROA,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner Figueroa asks leave to file his petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis. The district court initially appointed counsel to Figueroa on the finding that he was indigent. Figueroa remained indigent in the district court and on appeal. His family retained counsel for representation in the district court and on appeal. Figueroa remains indigent.

Dated: 12 December 2018

/s/ Jeffrey M. Brandt  
Jeffrey M. Brandt, Esq.  
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Counsel of Record for Petitioner

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

I, Nelson Figueroa, 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>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Self-employment	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Income from real property (such as rental income)	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Interest and dividends	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Gifts	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Alimony	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Child Support	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Unemployment payments	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
Other (specify): _____	\$ <u>NO</u>	\$ _____	\$ <u>NO</u>	\$ _____
<b>Total monthly income:</b>	\$ <u>NO</u>	\$ _____	\$ <u>NO</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
NONE	NONE	NONE	\$ NONE

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
NONE	NONE	NONE	\$ NONE

4. How much cash do you and your spouse have? \$ NO SPACE  
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
NONE	NONE	\$ NONE	\$ 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 NONE

☐ Other real estate Value NONE

☐ Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

☐ Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

☒ Other assets

Description

Value

I OWN I 2014 YAMAHA RAPTOR 700  
I DONT KNOW BECAUSE IS ROCK  
AND I STARTED TO FIX IT BEFORE  
I GOT INCARCERATED BUT I DID NOT  
FINISH.

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

\$ NONE

\$ NONE

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

Name  
Melvin Figueroa  
Luz Mates

Relationship  
DAD  
MOM

Age  
62  
61

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

\$ NONE

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ NONE

\$ NONE

Home maintenance (repairs and upkeep)

\$ NONE

\$ NONE

Food

\$ NONE

\$ NONE

Clothing

\$ NONE

\$ NONE

Laundry and dry-cleaning

\$ NONE

\$ NONE

Medical and dental expenses

\$ NONE

\$ NONE

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>None</u>	\$ <u>None</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>None</u>	\$ <u>None</u>

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's	\$ <u>None</u>	\$ <u>None</u>
Life	\$ <u>None</u>	\$ <u>None</u>
Health	\$ <u>None</u>	\$ <u>None</u>
Motor Vehicle	\$ <u>NO</u>	\$ <u>NO</u>
Other: _____	\$ <u>NO</u>	\$ <u>NO</u>

Taxes (not deducted from wages or included in mortgage payments)

(specify): _____	\$ <u>NO</u>	\$ <u>NO</u>
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Installment payments

Motor Vehicle	\$ <u>NO</u>	\$ <u>NO</u>
Credit card(s)	\$ <u>NO</u>	\$ <u>NO</u>
Department store(s)	\$ <u>NO</u>	\$ <u>NO</u>
Other: _____	\$ <u>NO</u>	\$ <u>NO</u>

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>NO</u>	\$ <u>NO</u>
	\$ <u>NO</u>	\$ <u>NO</u>
	\$ <u>NO</u>	\$ <u>NO</u>

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.

Do to my incarceration I lost my job  
And it's been hard for me and not  
wines one.

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

Executed on: 12-5-2018, 20 18

12-5-2018

(Signature)