

No. **18-7348**

Supreme Court, U.S.
FILED

JUL 23 2018

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Edgar Arnold Garcia — PETITIONER
(Your Name)

VS.

United States of America — RESPONDENT(S)

ORIGINAL

Supreme Court, U.S.
FILED

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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):

- U.S. v. Garcia, 651 M. # 92-cr-01027-MMP (NDFLa) (the district court)
- Garcia v. U.S., 534 U.S. 1102 (2002) (this court)

☐ 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.

Edgar Arnold Garcia
(Signature)

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

I, Edgar A Garcia, 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>90⁰⁰</u>	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>
Self-employment	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ <u>-0-</u>	\$ _____	\$ _____	\$ _____
^{average} Total monthly income:	\$ <u>90⁰⁰</u>	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>

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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
Hacienda Records	1124 Morgan Ave Corpus Christi, TX	Sept '18 - current	\$ 105 ⁰⁰
BOP	70 Box 5000 Oakdale, LA 71463	Aug '16 - Aug '18	\$ 45 ⁰⁰

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? \$ 1,800⁰⁰
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	\$ 1,800 ⁰⁰	\$
	\$	\$
	\$	\$

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

<input type="checkbox"/> Home Value _____	N/A	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	N/A	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets Description _____ Value _____	N/A	

This is money I saved
in prison from donations
and my prison job.

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

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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)

\$ -0-

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ -0-

\$

Home maintenance (repairs and upkeep)

\$ -0-

\$

Food

\$ 75⁰⁰

\$

Clothing

\$ 50⁰⁰

\$

Laundry and dry-cleaning

\$ -0-

\$

Medical and dental expenses

\$ 40⁰⁰

\$

my mother does not charge me rent and I still don't drive from my eye surgery. That's why I give her gas money and work part time for our family business.

	You	Your spouse
Transportation (not including motor vehicle payments)	gas 50 ^{50.00}	N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ - 0 -	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	NA \$ - 0 -	\$
Life	NA \$ - 0 -	\$
Health	I still cannot afford insurance \$ - 0 -	\$
Motor Vehicle	it'll do not drive \$ - 0 -	\$
Other: Phone	\$ 70.00	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): I have not yet worked for a whole tax year.	\$ - 0 -	\$
Installment payments		
Motor Vehicle	NA \$ - 0 -	\$
Credit card(s)	\$ - 0 -	\$
Department store(s)	\$ - 0 -	\$
Other:	\$ - 0 -	\$
Alimony, maintenance, and support paid to others	\$ - 0 -	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): typing / office supplies	\$ 50.00	\$
Total monthly expenses:	\$ 335.00	\$

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? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

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? N/A

If yes, state the person's name, address, and telephone number:

N/A

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

I worked very hard for many years in prison and saved some money for my release, but my brother got mad at me and said that I had to pay him back a thousand dollars. I wrote him a check which will leave me \$800 in my account when it clears. But it means a lot to me to file this petition as my sentence has always been illegal for exceeding the statutory maximum and the present denial is based on the same illegal sentence originally imposed.

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

Executed on: November 8th, 2018

[Signature]
(Signature)