

18-7604

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

JAN 11 2019

OFFICE OF THE CLERK

Jacques Paul Villa Fana — PETITIONER
(Your Name)

VS.

Harold W. Clark — 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):

Virginia Beach Circuit Court. Virginia Supreme Court. United States District Court for the Eastern District of Virginia. United States Supreme 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.

Jacques Paul Villa Fana
(Signature)

RECEIVED

JAN 17 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Jacques Paul Villafana, 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>42.00</u> <u>37.50</u>	\$ <u>0</u>	\$ <u>42.00</u> <u>37.50</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>42.00</u> <u>37.50</u>	\$ <u>0</u>	\$ <u>42.00</u> <u>37.50</u>	\$ <u>0</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
Lawrenceville Carr. Center	1607 Planters Rd. Lawrenceville, VA 23868	11-27-16 to present	\$ 37,5242.00
			\$
			\$

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? \$ 0
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		\$	\$
		\$	\$
		\$	\$

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A
Value

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

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

Name	Relationship	Age
N/A		

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)	\$ N/A	\$ N/A
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ N/A	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A	\$ N/A
Food	\$ N/A	\$ N/A
Clothing	\$ N/A	\$ N/A
Laundry and dry-cleaning	\$ N/A	\$ N/A
Medical and dental expenses	\$ N/A	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>35% Court fines</u>	\$ <u>1312 14.70</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>1312 14.70</u>	\$ <u>N/A</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? _____

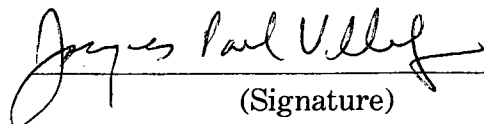
If yes, state the person's name, address, and telephone number:

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

I am incarcerated. In addition to my monthly expenses, I have to pay 10 cents for all legal copies.

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

Executed on: January 4, 2019


(Signature)

Lawrenceville Correctional
Inmate Account History

ID#: 1185491

Name: VILLAFANA, JACQUES PAUL

Date of birth: 1980-04-12

Location: 50 - 52 - 104

Balances as of 1/2/2019:

Available	+ Encumbered	=Account Balance
57.71	537.78	595.49

2018-07-05 07:52:00 EPR	OID:100600487-ComisaryPurch-Reg	-32.19	0.17	0.00	507.74
2018-07-06 11:04:52 COPIES	LEGAL COPIES	2.00	0.17	2.00	507.74
2018-07-06 11:06:57 COPIES	LEGAL COPIES	0.30	0.17	2.30	507.74
2018-07-27 11:43:17 COPIES	LEGAL COPIES	0.30	0.17	2.60	507.74
2018-07-31 08:37:03 PAYROLL INCREAS	Payroll Transaction	42.00	37.97	2.60	511.94
2018-07-31 08:37:04 <COPIES>	Payment for COPIES on 2018-07-06-11.04.5	-2.00	35.97	0.60	511.94
2018-07-31 08:37:04 <COPIES>	Payment for COPIES on 2018-07-06-11.06.5	-0.30	35.67	0.30	511.94
2018-07-31 08:37:05 <COPIES>	Payment for COPIES on 2018-07-27-11.43.1	-0.30	35.37	0.00	511.94
2018-07-31 08:37:05 PAYROLL 5 PERCE	Payroll Deduction	-2.10	33.27	0.00	511.94
2018-07-31 09:11:06 WDRAWAL CHK	J VILLAFANA #1185491 FILING FEE	-9.66	23.61	0.00	511.94
2018-08-01 15:20:30 POSTAGE	MAIL OUT PKG. D. WILLIAMS	-10.22	13.39	0.00	511.94
2018-08-16 07:22:19 COPIES	LEGAL COPIES	0.40	13.39	0.40	511.94
2018-08-16 07:22:20 <COPIES>	LEGAL COPIES	-0.40	12.99	0.00	511.94
2018-08-16 13:10:44 COPIES	LEGAL COPIES	0.60	12.99	0.60	511.94
2018-08-16 13:10:44 <COPIES>	LEGAL COPIES	-0.60	12.39	0.00	511.94
2018-08-20 07:21:02 COPIES	LEGAL COPIES	1.80	12.39	1.80	511.94
2018-08-20 07:21:02 <COPIES>	LEGAL COPIES	-1.80	10.59	0.00	511.94
2018-08-29 07:40:22 PAYROLL INCREAS	Payroll Transaction	48.30	54.06	0.00	516.77
2018-08-29 07:40:23 PAYROLL 5 PERCE	Payroll Deduction	-2.42	51.64	0.00	516.77
2018-08-29 08:47:08 WDRAWAL CHK	J VILLAFANA #1185491 AUG 2018 FILING FEE	-8.40	43.24	0.00	516.77
2018-09-04 09:08:21 EPR	OID:100607798-ComisaryPurch-Reg	-42.76	0.48	0.00	516.77
2018-09-06 07:20:25 COPIES	LEGAL COPIES	0.30	0.48	0.30	516.77
2018-09-18 07:20:28 COPIES	LEGAL COPIES	1.20	0.48	1.50	516.77
2018-09-26 14:36:07 COPIES	LEGAL COPIES	4.50	0.48	6.00	516.77
2018-09-26 14:36:23 COPIES	LEGAL COPIES	1.80	0.48	7.80	516.77
2018-09-27 10:30:06 PAYROLL INCREAS	Payroll Transaction	46.20	42.06	7.80	521.39
2018-09-27 10:30:07 <COPIES>	Payment for COPIES on 2018-09-06-07.20.2	-0.30	41.76	7.50	521.39
2018-09-27 10:30:07 <COPIES>	Payment for COPIES on 2018-09-18-07.20.2	-1.20	40.56	6.30	521.39

Due to computer posting the 'Balances as of 1/2/2019' may not reflect all transactions posted for this period. Carefully review the information on this statement. If you question or dispute any item you must submit a request form to the inmate accounts office within 30 days.

ID#: 1185491

Name: VILLAFANA, JACQUES PAUL

Date of birth: 1980-04-12

Location: 50 - 52 - 104

Balances as of 1/2/2019:

Available	+	Encumbered	=Account Balance
57.71		537.78	595.49
2018-09-27 10:30:08 <COPIES>	-4.50	36.06	1.80
2018-09-27 10:30:08 <COPIES>	-1.80	34.26	0.00
2018-09-27 10:30:09 PAYROLL 5 PERCE	-2.31	31.95	0.00
2018-09-27 11:12:37 WDRAWAL CHK	-9.66	22.29	0.00
2018-09-28 13:20:59 COPIES	0.90	22.29	0.90
2018-09-28 13:20:59 <COPIES>	-0.90	21.39	0.00
2018-10-02 07:33:43 COPIES	3.40	21.39	3.40
2018-10-02 07:33:43 <COPIES>	-3.40	17.99	0.00
2018-10-02 07:34:05 COPIES	0.20	17.99	0.20
2018-10-02 07:34:05 <COPIES>	-0.20	17.79	0.00
2018-10-03 07:40:53 EPR	-14.81	2.98	0.00
2018-10-04 07:18:27 COPIES	0.50	2.98	0.50
2018-10-05 07:17:04 COPIES	0.20	2.98	0.70
2018-10-12 07:26:49 COPIES	0.60	2.98	1.30
2018-10-16 07:17:49 COPIES	1.80	2.98	3.10
2018-10-18 07:19:22 COPIES	0.20	2.98	3.30
2018-10-26 07:15:58 COPIES	1.60	2.98	4.90
2018-10-26 07:16:30 COPIES	3.10	2.98	8.00
2018-10-30 08:45:00 PAYROLL INCREAS	44.10	42.67	8.00
2018-10-30 08:45:01 <COPIES>	-0.50	42.17	7.50
2018-10-30 08:45:02 <COPIES>	-0.20	41.97	7.30
2018-10-30 08:45:03 <COPIES>	-0.60	41.37	6.70
2018-10-30 08:45:03 <COPIES>	-1.80	39.57	4.90
2018-10-30 08:45:04 <COPIES>	-0.20	39.37	4.70
2018-10-30 08:45:04 <COPIES>	-1.60	37.77	3.10
2018-10-30 08:45:05 <COPIES>	-3.10	34.67	0.00
2018-10-30 08:45:05 PAYROLL 5 PERCE	-2.21	32.46	0.00
2018-10-30 10:41:58 WDRAWAL CHK	-9.24	23.22	0.00
2018-11-02 08:23:13 EPR	-23.05	0.17	0.00
2018-11-06 07:29:06 COPIES	1.20	0.17	1.20
2018-11-19 07:17:26 COPIES	0.40	0.17	1.60
2018-11-21 07:17:06 COPIES	1.30	0.17	2.90

Due to computer posting the 'Balances as of 1/2/2019' may not reflect all transactions posted for this period. Carefully review the information on this statement. If you question or dispute any item you must submit a request form to the inmate accounts office within 30 days.

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