

No. 18-7641

ORIGINAL

Supreme Court, U.S.
FILED

AUG 15 2018

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Arturo Huerta

(Your Name)

— PETITIONER

VS.

RON DAVIS

— 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):

United States District Court

EASTERN DIST. OF CALIF

☐ 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.

arturo Huerta

(Signature)

RECEIVED

AUG 22 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Arturo Huerta, 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>0</u>	\$ <u>0</u>	\$ <u>0</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>0</u>	\$ <u>0</u>	\$ <u>0</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
			\$ 0
			\$ 0
			\$ 0

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
			\$ 0
			\$ 0
			\$ 0

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
		\$ 0	\$ 0
		\$ 0	\$ 0
		\$ 0	\$ 0

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

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model 0
Value 0

☐ Motor Vehicle #2
Year, make & model 0
Value 0

☐ Other assets
Description 0
Value 0

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
_____	\$ <u>0</u>	\$ <u>0</u>
_____	\$ <u>0</u>	\$ <u>0</u>
_____	\$ <u>0</u>	\$ <u>0</u>

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

Name	Relationship	Age
_____	_____	<u>0</u>
_____	_____	<u>0</u>
_____	_____	<u>0</u>

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)	\$ <u>0</u>	\$ <u>0</u>
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)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>0</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.

INCARCERATION

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

Executed on: 8 / 11, 2018

Arturo Huerta

(Signature)

HABEAS,CLOSED

**U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:15-cv-01827-AWI-SAB**

(HC) Huerta v. Davis
Assigned to: District Judge Anthony W. Ishii
Referred to: Magistrate Judge Stanley A. Boone
Case in other court: USCA, 17-17529
Cause: 28:2254 Petition for Writ of Habeas Corpus
(State)

Date Filed: 12/07/2015
Date Terminated: 12/04/2017
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Arturo Huerta




represented by **Arturo Huerta**
AN-2957
SAN QUENTIN STATE PRISON
(SQ-1)
SAN QUENTIN, CA 94964
(415) 454-1460
PRO SE













V.

Respondent

Ron Davis

represented by **Max Feinstat**
California Attorney General
1300 I Street
Po Box 944255
Sacramento, CA 94244
916-322-5431
Fax: 916-324-5322
Email: max.feinstat@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2015	 <u>1</u>	(2254) PETITION for WRIT of HABEAS CORPUS against Ron Davis by Arturo Huerta. (Marrujo, C) (Entered: 12/08/2015)
12/07/2015	 <u>2</u>	MOTION to PROCEED IN FORMA PAUPERIS by Arturo Huerta. (Marrujo, C) (Entered: 12/08/2015)
12/08/2015	 <u>3</u>	ORDER AUTHORIZING IN FORMA PAUPERIS STATUS as to

		Arturo Huerta, signed by Magistrate Judge Stanley A. Boone on 12/8/15. (Marrujo, C) (Entered: 12/08/2015)
12/08/2015	 <u>4</u>	PRISONER NEW CASE DOCUMENTS and ORDER RE CONSENT ISSUED; Consent or Decline due by 1/11/2016. (Attachments: # <u>1</u> Order re Consent) (Marrujo, C) (Entered: 12/08/2015)
12/08/2015		SERVICE BY MAIL: <u>4</u> Prisoner New Case Documents for Magistrate Judge as Presider, <u>3</u> Order Authorizing IFP Status, Order on Motion to Proceed in forma pauperis, <u>1</u> Petition for Writ of Habeas Corpus served on Arturo Huerta. (Marrujo, C) (Entered: 12/08/2015)
12/16/2015	 <u>5</u>	ORDER to Respond; ORDER SETTING Briefing Schedule; ORDER DIRECTING Clerk of Court to Serve Documents on California Attorney General, signed by Magistrate Judge Stanley A. Boone on 12/15/15. (Marrujo, C) (Entered: 12/16/2015)
12/16/2015		SERVICE BY MAIL: <u>5</u> Order Directing Respondent to File a Response to the Petition served on Arturo Huerta. (Marrujo, C) (Entered: 12/16/2015)
12/16/2015	 <u>6</u>	ORDER RE CONSENT OR REQUEST FOR REASSIGNMENT signed by Magistrate Judge Stanley A. Boone on 12/16/15. <i>Respondent's Consent or Decline due by 2/19/2016.</i> (Marrujo, C) (Entered: 12/16/2015)
12/16/2015	 <u>7</u>	DOCUMENT SERVED ELECTRONICALLY: <u>1</u> Petition for Writ of Habeas Corpus served on Michael Farrell. (Marrujo, C) (Entered: 12/16/2015)
02/12/2016	 <u>8</u>	MOTION for 30-DAY EXTENSION OF TIME to file Respondent's Response to Petition for Writ of Habeas Corpus by Ron Davis. Attorney Feinstat, Max added. (Attachments: # <u>1</u> Proposed Order) (Feinstat, Max) (Entered: 02/12/2016)
02/16/2016	 <u>9</u>	ORDER Granting Respondent's <u>8</u> Motion for Extension of Time to File Response to Petition, signed by Magistrate Judge Stanley A. Boone on 2/12/16. (Verduzco, M) (Entered: 02/16/2016)
02/16/2016		SERVICE BY MAIL: <u>9</u> Order served on Arturo Huerta. (Verduzco, M) (Entered: 02/16/2016)
03/16/2016	 <u>10</u>	ANSWER to PETITION FOR WRIT OF HABEAS CORPUS by Ron Davis. (Feinstat, Max) (Entered: 03/16/2016)
03/22/2016	 <u>11</u>	NOTICE OF LODGING DOCUMENT IN PAPER by Ron Davis: State Court Record. (Feinstat, Max) (Entered: 03/22/2016)
03/25/2016		ACKNOWLEDGEMENT OF RECEIPT of State Court Record as