

ORIGINAL

Supreme Court, U.S.  
FILED

JAN 18 2019

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1 MICHAEL VICTORY P-07048  
2 CSP-SOLANO  
3 POB 4000  
4 VACAVILLE, CA 95696  
5 In Pro Per

SUPREME COURT OF THE

UNITED STATES

18-8397

6 MICHAEL ANTHONY VICTORY,  
7 Plaintiff-Appellant,

CASE NO. \_\_\_\_\_

EX PARTE MOTION TO PROCEED IN  
IN FORMA PAUPERIS WITH  
DECLARATION IN SUPPORT  
THEREOF.

8 V.

9 BOARD OF PAROLE HEARINGS  
10 and JENNIFER SHAFFER,

(Supreme Court Rule 39(1))

11 Director of BPH,  
12 Defendants-Appellees.

13 I, Michael Victory, plaintiff in the above entitled action,  
14 moves this court for authorization to proceed under in forma  
15 pauperis status for filing of a Petition for Writ of Certiorari  
pursuant to Supreme Court Rule 39(1).

16 Plaintiff has previously been granted in forma pauperis status  
17 in the USDC Eastern District of California (Sacramento) on  
18 6-17-2016 (Doc. #11, Case No. 2:16-cv-00997-WBS-CKD); and  
19 subsequently in the USCA Ninth Circuit on 11-14-2017 (Doc. #7, Case  
20 No. 17-15953).

21 Plaintiff is without the financial means to cover court fees  
22 and must proceed in pro per due to the lack of funds to retain  
23 counsel. These assertions are supported by the declaration attached  
24 hereto.

25 Respectfully submitted,

26 Michael Victory  
27 Michael Victory  
28

Dated: 1-17-2019

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

I, Michael Victory, 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>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Gifts	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Alimony	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Child Support	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Other (specify): <u>NA</u>	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b>	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</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
Unemployed		NA	\$ 0
unemployed		NA	\$ 0
unemployed		NA	\$ 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
NA			\$ 0
NA			\$ 0
NA			\$ 0

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
NA		\$ 0	\$ 0
NA		\$ 0	\$ 0
NA		\$ 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 NA  
Value 0

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

☐ Other assets  
Description NA  
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

NA

\$ 0

\$ NA

NA

\$ 0

\$ NA

NA

\$ 0

\$ NA

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

Name

Relationship

Age

NA

NA

NA

NA

NA

NA

NA

NA

NA

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

\$ 0

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	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>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NA</u>	\$ <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>NA</u>	\$ <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>NA</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly expenses:</b>	\$ <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.

*I am currently incarcerated at Calif. Dept. of Corr. + Rehab, and serving a life sentence. I do not have a job assignment that provides a pay position.*

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

Executed on: February 29, , 2019

*Michael Victory*

(Signature)

**DECLARATION OF MICHAEL VICTORY  
IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS**

I, Michael Victory, plaintiff in the above entitled action, hereby declares the following:

1. I am the plaintiff in this action and currently unlawfully imprisoned at CSP-Solano in Vacaville, CA.;

2. I am a layman at law and require the assistance of other inmates to research, comprehend and submit documents in this action;

3. There are numerous and complex claims raised in the original civil complaint (42 USC §1983) with numerous identified defendants;

4. I am without assigned counsel despite pursuing this civil complaint for class action status;

5. I do not possess the funds and/or have gainful employment that would permit me to comply with any court fees and tangible costs.

I swear under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Executed on this 10 day in January 2019 at CSP-Solano in the City of Vacaville, CA.

Respectfully submitted,

  
\_\_\_\_\_  
Michael Victory  
In Pro Per