

18-8685
No.

IN THE

Supreme Court of the United States

ERVIN THOMAS,
Petitioner,

v.

CATHY A. JESS,
Respondent.

ORIGINAL

Supreme Court, U.S.
FILED

MAR 20 2019

OFFICE OF THE CLERK

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Ervin Thomas, a layman (*pro se*) litigant, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner Thomas has previously been granted leave to proceed *in forma pauperis* in the following courts:

- 1) United States Court of Appeals for the Seventh Circuit; and,
- 2) United States District Court for the Eastern District of Wisconsin

Petitioner Ervin Thomas's affidavit or declaration in support of this motion is attached hereto.

Dated at Oshkosh, Wisconsin, this 18th day of March, 2019.

Respectfully submitted,

Ervin Thomas
Ervin Thomas
Layman (*Pro Se*) Litigant
Oshkosh Correctional Institution
P.O. Box 3310
Oshkosh, Wisconsin 54903-3310

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

I, Ervin Thomas, 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 therefore; 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>No-Spouse</u> | \$ <u>0</u> | \$ <u>No-Spouse</u> |
| Self-Employment | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Income for 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> |
| Other (specify): <u>Prison Job</u> | \$ <u>30.20</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Total monthly income: | \$ <u>30.20</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 |
|-----------------|----------------|----------------------------|--------------------------|
| 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 |
|-----------------|----------------|----------------------------|--------------------------|
| No-Spouse | | | \$ |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ None
 Below, state any money you or your spouse has in bank accounts or in any other financial institution.

| Financial institution | Type of account | Amount you have | Amount your spouse has |
|------------------------------|------------------------|------------------------|-------------------------------|
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |

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

| | |
|--------------------------|--------------------------|
| Home | Other Real estate |
| Value None | Value None |
| Motor Vehicle #1 | Motor Vehicle #2 |
| Year, make, & model None | Year, make, & model None |
| Value None | Value None |
| Other assets | |
| Description: None | |
| Value None | |

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 | Relationship | Age |
|-------------|---------------------|------------|
| None | None | None |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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 <u> </u> No <u> X </u> | | |
| Is property insurance included? Yes <u> </u> No <u> X </u> | | |
| 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 |

| | | |
|--|-----------------|----------------------|
| 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) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| 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>None</u> | \$ <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>Copies, Postage & Supplies</u> | \$ <u>26.92</u> | \$ <u>N/A</u> |
| Total monthly expenses: | \$ <u>26.92</u> | \$ <u> </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 X 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 X

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 X

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

Executed on this 18th day of March, 2019.

Ervin Thomas

Ervin Thomas -Affiant
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