

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

FRANLISO "FRANK" Apodaca PETITIONER  
(Your Name)

VS.

NOEL FRANCISCO  
Solicitor General of United States 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):  
\_\_\_\_\_  
\_\_\_\_\_

☒ 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.

  
(Signature)

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

I, FRANCISCO Apodaca, 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>46.33</u>	\$ <u>4,667.00</u>	\$ <u>94.00</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):	1. MONTHLY LOAN ADVANCE from Mother & Sister 2. PTO. (Paid Times 150.00) (off) previous employer \$7720.00		\$ <u>100.00</u>	\$ <u>321.66</u> (P) FINAL PTO - Payment
<b>Total monthly income:</b>	\$ <u>196.33</u>	\$ <u>4,667.00</u>	\$ <u>194.00</u>	\$ <u>321.66</u>

\* Self Employment began 2/1/2019

\*\* Disability Payment/Benefit placed on hold When incarcerated 2-4-2014

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
Beaumont Prison Camp	Beaumont, TX	11/1/2018 - Present	\$ 56.00
Ft. Worth Correctional Inst./Med. Ctr.	Ft. WORTH, TX	8/1/2016 - 05/2018	\$ 64.00
			\$

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
* Glamour Pooch	1596 LOMALAND	2/1/2019 - PRESENT	\$ 0
	EL PASO, TX 79938	5/1/2000 - 1/2019	\$ 4,667.00
Cook Children's Med Ctr.	801 7th AVE		\$
	FT WORTH, TX 76107		

- \* SELF EMPLOYMENT - NEW BUSINESS VENTURE

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 0	\$ 525.00
Savings (Business Loan Proceeds)	\$ 0	\$ 8,922.00
For working CAPITAL	\$	\$

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

☒ Home  
Value \$ 90,293.00

☐ Other real estate  
Value

☒ Motor Vehicle #1  
Year, make & model 2014 FORD EXPLORER  
Value \$14,600.00 (SPOUSE)

☐ Motor Vehicle #2  
Year, make & model 2001 DODGE INTREPID  
Value \$1,000.00 (SPOUSE)

☒ Other assets  
Description SPOUSE - \$70,000.00 in 401K - BEING USED TO PAY \$70,000.00 DUE  
Value \$1,000.00 (AFTER TAX) ON HER BUSINESS ACQUISITION COST OF \$130,000.00

\* SPC Beaumont Camp  
5940 KNAUTH RD.  
BEAUMONT, TX 77705

Ft. Worth Med. Ctr. (PRISON)  
3150 HORTON ROAD  
FT. WORTH, TX. 76119

[MY PAY]

ADDED  
02/01/19

1. EDUCATION TUTOR \$38.00

Nov. 2018 - 2. TRUST FUND \$44.00

JAN. 2019 3. RECREATION \$12.00

Tutor pay STARTED IN ARREARS \$94.00

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>N/A</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
<u>N/A</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>1,101.00</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>100.00</u> (EMAIL/PHONE)	\$ <u>397.00</u>
Home maintenance (repairs and upkeep)	\$ _____	\$ <u>35.00</u>
Food	\$ <u>80.00</u>	\$ <u>350.00 - 415.00/mo.</u>
Clothing	\$ _____	\$ <u>30.00</u>
Laundry and dry-cleaning	\$ _____	\$ <u>20.00</u>
Medical and dental expenses	\$ _____	\$ <u>30.00 / Appt.</u> <u>\$2000.00 - Deductible</u>

	You	Your spouse
Transportation (not including motor vehicle payments)* * TRANSPORTATION/EXPENSE TO VISIT FRANCISCO \$1,000 = \$1200/yr.	\$ <u>0</u>	\$ <u>80<sup>00</sup> - 120<sup>00</sup>/mo.</u>
Recreation, entertainment, newspapers, magazines, etc. NETFLIX = \$15/mo. MOVIES \$20 x 2 \$20 - OTHER.	\$ _____	\$ <u>60.00</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>112.<sup>17</sup></u>
Life	\$ <u>0</u>	\$ <u>30.00</u>
Health	\$ <u>0</u>	\$ <u>490.<sup>00</sup>/mo.</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>150<sup>00</sup></u>
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ <u>456.00/mo.</u>
Credit card(s)	\$ _____	\$ <u>300.00/mo.</u>
Department store(s)	\$ _____	\$ <u>—</u>
Other: <u>BALANCE DUE - BUSINESS ACQUISITION</u> <u>\$60,000 over 24 months</u>	\$ <u>11.66</u>	\$ <u>2,500.00</u>
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ <u>6945<sup>00</sup> - 7,500<sup>00</sup>/mo.</u> <u>(2/2019)</u>
Other (specify): <u>PET Care</u>	\$ _____	\$ <u>50.00</u>
Total monthly expenses:	\$ <u>191.66</u>	\$ <u>11,143<sup>11</sup> - 11,768.<sup>11</sup></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.

- 1.) A REDUCTION IN MY WIFE'S INCOME. SHE ENDED EMPLOYMENT 1-31-19. SHE DOES NOT ANTICIPATE DRAWING MONTHLY PAY FROM HER NEW BUSINESS UNTIL SOME TIME IN THE FUTURE.
- 2.) MY MONTHLY LOAN DRAWS FROM MY FAMILY WILL BE REDUCED BY FIFTY DOLLARS GIVEN I SECURED A THIRD JOB AT THE PRISON CAMP THAT PAYS THIRTY-EIGHT DOLLARS MONTHLY.
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 HAVE BEEN INCARCERATED SINCE FEBRUARY 4, 2014. INCOME PAID TO INMATES RANGES FROM TWELVE CENTS PER HOUR TO ABOUT FORTY CENTS PER HOUR. MOST OF MY EARNINGS, AND A MONTHLY STIPEND PROVIDED BY MY SISTER AND MOTHER, ARE USED TO DEFRAY COMMUNICATION EXPENSES WITH MY FAMILY. MY WIFE LEFT EMPLOYMENT, AFTER NEARLY TWENTY YEARS WITH THE SAME EMPLOYER, TO VENTURE INTO A SMALL BUSINESS. THUS, WE ARE CASH FLOW POOR AND WILL BE FOR SOME TIME TO COME. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: MARCH 7<sup>TH</sup>, 2019

  
(Signature)