

No. 18-9008

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 23 2019

OFFICE OF THE CLERK

EMEM UFOT UDOTH — PETITIONER
(Your Name)

VS.

STATE OF MINNESOTA — 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):

Minnesota District and Appellate Court see Motion

Appendix I.

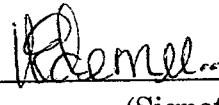
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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, Emem Udoh, 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>200</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>200</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
<u>MCF-Moose Lake</u>	<u>1000 Lake Shore Drive</u> <u>Moose Lake, MN</u> <u>55767</u>	<u>2016-Present</u>	<u>\$ 200</u> <u>\$</u> <u>\$</u>

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

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

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 _____

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

Other assets
Description 0
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
<u>D</u>	\$ <u>0</u>	\$ <u>0</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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>100</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>80</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>20</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>200</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

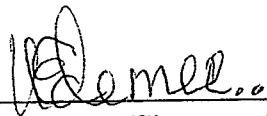
If yes, how much? _____

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

Executed on: April 22, 2019



(Signature)

FILED

STATE OF MINNESOTA
IN SUPREME COURT

February 27, 2019

**OFFICE OF
APPELLATE COURTS**

A18-1804

In re Emem Ufot Udoth,

Petitioner,

State of Minnesota,

Respondent,

vs.

Emem Ufot Udoth,

Petitioner.

ORDER

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the motion of Emem Ufot Udoth for leave to proceed
in forma pauperis for purposes of the filing fee in this court be, and the same is, granted.

IT IS FURTHER ORDERED that the petition of Emem Ufot Udoth for further review
be, and the same is, denied.

Dated: February 27, 2019

BY THE COURT:



Lorie S. Gildea
Chief Justice

FILED

STATE OF MINNESOTA

IN COURT OF APPEALS

November 30, 2018

**OFFICE OF
APPELLATE COURTS**

In re Emem Ufot Udo, Petitioner,

ORDER

State of Minnesota,

#A18-1804

Respondent,

vs.

Emem Ufot Udo,

Petitioner.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. On November 6, 2018, petitioner filed a petition for a writ of prohibition. On November 9, 2018, this court issued an order directing petitioner to (a) pay the \$550 filing fee or file with the clerk of appellate courts a copy of the district court's order granting leave to proceed in forma pauperis (IFP) in the court of appeals; and (b) serve the district court judge with a copy of the petition for prohibition and provide proof of service.

2. According to the district court register of actions, petitioner filed an application to proceed IFP in this court with the district court on November 14, 2018, requesting a waiver of appellate court filing fees and for payment of transcript preparation costs. Petitioner filed a second request with the district court on November 19, 2018.

3. On November 27, 2018, the district court issued an order finding that petitioner is entitled to proceed IFP, and granting his request for payment of transcript preparation costs.

4. On November 28, 2018, this court received a motion from petitioner dated November 21, 2018, requesting an extension of time in which to provide this court with a district court IFP order. In support of this motion, petitioner indicates that he had not received a response to his IFP requests from the district court as of the date of his motion.

5. Because the district court register of actions indicates that the court has granted his request to proceed IFP, an extension of time is unnecessary and we deem this deficiency in the petition to be satisfied.

6. On November 28, 2018, petitioner filed affidavits of service of his petition for a writ of prohibition on the district court judges involved in this matter.

IT IS HEREBY ORDERED:

1. Petitioner's motion for an extension of time is denied as unnecessary.
2. The deficiencies noted in this court's November 9, 2018 order are deemed satisfied.

Dated: November 30, 2018

BY THE COURT



Edward J. Cleary
Chief Judge

State of Minnesota

County	HENNEPIN
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District Court

Judicial District:	Fourth
Court File Number:	
Case Type:	General

Emem Ufot UdoPetitioner
vs.**Supplemental Order for Proceeding
In Forma Pauperis (Minn. Stat. § 563.01)**State of Minnesota

Respondent

Upon the affidavit of Emen Ufot Udo and based on the authority of Minn. Stat. § 563.01, the Court makes the following Findings of Fact and Conclusions of Law:

- Petitioner's claim is not frivolous, and petitioner is entitled to proceed under Minn. Stat. § 563.01.
- _____ is a witness to this case, has evidence material and necessary to this case and is within the State of Minnesota.
- In order to adequately prepare, present or decide an issue presented by this action, it is necessary to depose _____ and prepare a transcript of that deposition.
- In order to adequately prepare, present or decide an issue presented by Petitioner's appeal of the Chief Judge's order in this action, it is necessary to obtain a transcript of the hearing, trial, or deposition held on October 18, 2018 before the undersigned judge.
- Other: _____
- Applicant is not entitled to expenses.

IT IS ORDERED:

The following costs to be paid by the state courts:

- Witness expenses incurred in subpoenaing _____ and the fees and costs of this witness not to exceed \$_____.
- Deposition expenses incurred in deposing _____ and the costs of obtaining a transcript of the deposition not to exceed \$_____.
- Expenses incurred in obtaining a transcript of the hearing, trial, or deposition held on October 18, 2018 before Chief Judge Ivy S. Bernhardson.
- Other: _____ not to exceed: \$_____.
- If money is recovered in this action, these costs shall be paid directly to the court administrator by the losing party.
- The application for payment of expenses is denied.

BY THE COURT:

Jay S. Brinkman

Judge of District Court

November 27, 2018