

18-9061  
No.

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
FEB 01 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

JOSEPH B.,

Petitioner,

v.

STATE OF NEBRASKA ON BEHALF OF

B.H., A MINOR CHILD, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE NEBRASKA COURT OF APPEALS

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Joseph J. Buttercase - 76999  
pro se Petitioner  
Nebraska State Penitentiary  
P.O. Box 22500  
Lincoln, Nebraska 68542-2500  
(402) 471-3161

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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Pursuant to Rule 39 of this Court, Petitioner Joseph J. Buttercase moves for leave to file the accompanying Petition for a Writ of Certiorari to the Nebraska Court of Appeals, without prepayment of fees or costs or giving security therefor, and to proceed in forma pauperis.

1. Petitioner sought and obtained leave to proceed with appeal in forma pauperis on August 29, 2017 by the district court of Otoe County, Nebraska.
2. Petitioner's affidavit or declaration in support of this motion is attached hereto.

CONCLUSION

Petitioner Joseph J. Buttercase respectfully requests leave to proceed in forma pauperis.

Respectfully Submitted,

  
JOSEPH J. BUTTERCASE - 76999  
Nebraska State Penitentiary  
P.O. Box 22500  
Lincoln, Nebraska 68542-2500  
(402) 471-3161

Date: January 31, 2019

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

I, Joseph J. Buttercase, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ 40.00	\$ N/A	\$ 40.00	\$ N/A
Self-employment	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Income from real property (such as rental income)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Interest and dividends	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Gifts	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Child Support	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Disability (such as social security, insurance payments)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Unemployment payments	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Public-assistance (such as welfare)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Other (specify): <u>None</u>	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
<b>Total monthly income:</b>	<b>\$ 40.00</b>	<b>\$ N/A</b>	<b>\$ 40.00</b>	<b>\$ N/A</b>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
<u>Inmate Porter -</u>	<u>4201 S. 14th St.</u>	<u>May, 2013</u>	<u>\$ 40.00</u>
<u>Nebraska Dept.</u>	<u>Lincoln, NE</u>	<u>through</u>	<u>\$</u>
<u>of Corrections</u>	<u>68502</u>	<u>Present</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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>
			<u>\$</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ 0.00  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

<b>Type of account (e.g., checking or savings)</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
<u>None</u>	<u>N/A</u>	<u>\$ N/A</u>
	<u>\$ 0.00</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 N/A  
 Value None

Other real estate N/A  
 Value None

Motor Vehicle #1 N/A  
 Year, make & model None  
 Value None

Motor Vehicle #2 N/A  
 Year, make & model None  
 Value None

Other assets N/A  
 Description None  
 Value None

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ 0.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ N/A
Life	\$ 0.00	\$ N/A
Health	\$ 0.00	\$ N/A
Motor Vehicle	\$ 0.00	\$ N/A
Other: <u>None</u>	\$ 0.00	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>None</u>	\$ 0.00	\$ N/A
Installment payments		
Motor Vehicle	\$ 0.00	\$ N/A
Credit card(s)	\$ 0.00	\$ N/A
Department store(s)	\$ 0.00	\$ N/A
Other: <u>None</u>	\$ 0.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ 40.00	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ N/A
Other (specify): <u>Hygiene, Postage/Copies, &amp; Inmate Calling time.</u>	\$ 30.00	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 70.00</b>	<b>\$ N/A</b>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
None	\$ 0.00	\$ N/A
None	\$ 0.00	\$ N/A
None	\$ 0.00	\$ N/A

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

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
M.P.	Daughter	10
B.H.	Daughter	7

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0.00	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0.00	\$ N/A
Food	\$ 0.00	\$ N/A
Clothing	\$ 0.00	\$ N/A
Laundry and dry-cleaning	\$ 0.00	\$ N/A
Medical and dental expenses	\$ 0.00	\$ N/A

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. **N/A**

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? **N/A**

If yes, state the attorney's name, address, and telephone number: **N/A**

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? **N/A**

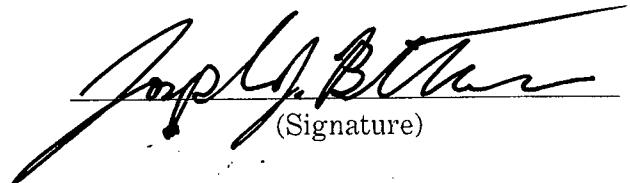
If yes, state the person's name, address, and telephone number: **N/A**

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Petitioner, Joseph J. Buttercase, is currently incarcerated at the Nebraska State Penitentiary with a tentative release date of 2032. Petitioner's only income is from his prison job which amounts to only \$20.00 per month after the two child support orders and mandatory 05% Release Savings deductions. The Petitioner's living expenses wholly absorbs his income, and he has no assets.

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

Executed on: January 31, 2019



(Signature)

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

IN THE SUPREME COURT OF THE UNITED STATES

JOSEPH B., PETITIONER

v.

NEBRASKA OBO B.H., ET AL., RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE NEBRASKA COURT OF APPEALS

PROOF OF SERVICE

I, Joseph J. Buttercase, do swear or declare that on this date, March 14, 2019, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and CORRECTED PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid, or by deliverly to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

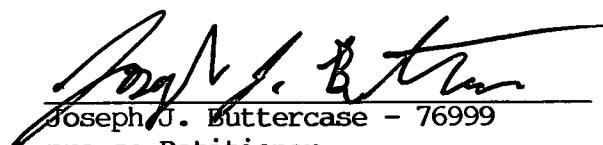
DOUGLAS J. PETERSON #18146  
2115 STATE CAPITOL BUILDING  
P.O. BOX 98920  
LINCOLN, NEBRASKA 68509-8920

MICHAEL ZISKEY #21357  
602 CENTRAL AVENUE  
NEBRASKA CITY, NEBRASKA 68410

PHILIP AND MARIA BUTTERCASE  
1107 MONROE STREET  
HAMBURG, IOWA 51640

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

Executed on March 14, 2019

  
Joseph J. Buttercase - 76999  
pro se Petitioner  
Nebraska State Penitentiary  
P.O. Box 22500  
Lincoln, Nebraska 68542-2500  
(402) 471-3161