

No. 18-9103

ORIGINAL

Supreme Court, U.S.
FILED

APR 30 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MILTON THOMAS SR. PETITIONER
(Your Name)

THE CITY OF PHILA. AND THE SCHOOL DISTRICT OF PHILA.
VS.
WILLIAM C. MILE, US Bankruptcy Trustee 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.

Milton Thomas A.

(Signature)

RECEIVED

MAY 2 - 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Milton Thomas SR,, 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>3258.00</u>	\$ <u>N/A</u>	\$ <u>3,258.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>400.00</u>	\$ <u>N/A</u>	\$ <u>400.00</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>900.00</u>	\$ <u>N/A</u>	\$ <u>900.00</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Gifts	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Alimony	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Child Support	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>4558.00</u>	\$ <u>N/A</u>	\$ <u>4558.00</u>	\$ <u>N/A</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
SPRINT	1500 JF K Blvd	2008 - Present	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
N/A	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 80.00
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
TD Bank	\$ 21.00	\$ N/A
PNC	\$ 62.00	\$ N/A
Beneficial	\$ 138.00	\$ N/A

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

<input type="checkbox"/> Home Value <u>N/A</u>	<input checked="" type="checkbox"/> Other real estate Value <u>1251 So 2nd, 5/6 occupied, 18,000.00</u> <u>1618 So 5th St 80,000.00</u>
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model <u>2007 Volvo</u> Value <u>2500.00</u>	<input checked="" type="checkbox"/> Motor Vehicle #2 Year, make & model <u>2003 Audi</u> Value <u>2,500.00</u>
<input checked="" type="checkbox"/> Other assets Description <u>2004 Mercedes</u> Value <u>2500.00</u>	

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>NONE</u>	\$ <u>NONE</u>	\$ <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>MT</u>	<u>Daughter</u>	<u>24 yrs</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>900.00</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>587.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>800.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>100.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>100.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 200.00	\$ N/A
Recreation, entertainment, newspapers, magazines; etc.	\$ 100.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 50.00	\$ N/A
Life	\$ None	\$ N/A
Health	\$ 80.00	\$ N/A
Motor Vehicle	\$ 125.00	\$ N/A
Other: _____	\$ None	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ N/A	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 300.00	\$ N/A
Department store(s)	\$ 0	\$ N/A
Other: <u>MIT College Tuition</u>	\$ 300.00	\$ N/A
<u>Payment to Temple Univ</u>	\$ None	\$ N/A
Alimony, maintenance, and support paid to others	\$ None	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 200.00	\$ N/A
Other (specify): <u>401K Loans</u>	\$ 437.00	\$ N/A
<u>Bi-weekly Deduction</u>	\$ 4,239.00	\$ N/A
Total monthly expenses:		

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:

NO

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

I JUST DONT HAVE THE TOTAL COST TO PUT
THE ENTIRE CASE TOGETHER.

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

Executed on: 4/30/, 2019

Milton Thomas

(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Milton Thomas Sr — PETITIONER
(Your Name)

The City of Philadelphia VS The School District of Philadelphia
William Miller Bankruptcy Trustee — RESPONDENT(S)

PROOF OF SERVICE

I, Milton Thomas Sr, do swear or declare that on this date, APRIL 30, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A 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 delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

JANE ISTVAN Esq City of Phila Law Department 1515 Locust 17th Fl Phila PA 19102
Daniel Auerbach City of Phila, 241 South 6th Unit 1012 Phila Pa 19106
William The Round Olds, 111 S Independence Mall E #583 Phila PA 19106

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

Executed on APRIL 30, 2019

Milton Thomas Sr

(Signature)

Commonwealth of Pennsylvania - Notary Seal
CHRISTINE E. WELSH, Notary Public
Philadelphia County
My Commission Expires February 24, 2021
Commission Number 1305867

Christine Welsh 4/30/2019