

18-9146  
No. \_\_\_\_\_

Supreme Court, U.S.  
FILED  
MAR 27 2019  
OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

KENAN IVERY — PETITIONER, *pro se*

vs.

STATE OF OHIO — RESPONDENT

MOTION TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached Petition for a Writ of Certiorari without payment of costs and to proceed *in forma pauperis*, and hereby requests waiver of said costs.

Petitioner has been previously granted leave to proceed *in forma pauperis* in the following court(s):

1. Petitioner was deemed indigent at trial in the Summit County Court of Common Pleas and had appointed counsel both at trial and on appeal to the Ninth District Court of Appeals.

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.

Executed on March 25<sup>th</sup>, 2019.

  
Kenan Ivery, #A674-145

ORIGINAL

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

I, Kenan Ivery, 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	\$ <u>12.00</u>	\$ <u>N/A</u>	\$ <u>12.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Interest and dividends	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Gifts	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Alimony	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Child Support	\$ <u>(-3.00)</u>	\$ <u>1</u>	\$ <u>(-3.00)</u>	\$ <u>1</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Unemployment payments	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
<b>Total monthly income:</b>	\$ <u>9.00</u>	\$ <u>1</u>	\$ <u>9.00</u>	\$ <u>1</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>N/A</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>N/A</u>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>N/A</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 N/A

Other real estate  
Value N/A

Motor Vehicle #1  
Year, make & model N/A  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model N/A  
Value \_\_\_\_\_

Other assets  
Description \_\_\_\_\_  
Value \_\_\_\_\_

N/A

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>
<u>N/A</u>	\$ <u>N/A</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").

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
<u>D. M</u>	<u>Son</u>	<u>14</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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u><u></u></u>	\$ <u><u></u></u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u><u></u></u>	\$ <u><u></u></u>
Homeowner's or renter's	\$ <u><u></u></u>	\$ <u><u></u></u>
Life	\$ <u><u></u></u>	\$ <u><u></u></u>
Health	\$ <u><u></u></u>	\$ <u><u></u></u>
Motor Vehicle	\$ <u><u></u></u>	\$ <u><u></u></u>
Other: _____	\$ <u><u></u></u>	\$ <u><u></u></u>
Taxes (not deducted from wages or included in mortgage payments)	\$ <u><u></u></u>	\$ <u><u></u></u>
(specify): _____	\$ <u><u></u></u>	\$ <u><u></u></u>
Installment payments	\$ <u><u></u></u>	\$ <u><u></u></u>
Motor Vehicle	\$ <u><u></u></u>	\$ <u><u></u></u>
Credit card(s)	\$ <u><u></u></u>	\$ <u><u></u></u>
Department store(s)	\$ <u><u></u></u>	\$ <u><u></u></u>
Other: _____	\$ <u><u></u></u>	\$ <u><u></u></u>
Alimony, maintenance, and support paid to others	\$ <u><u>3.00</u></u>	\$ <u><u></u></u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u><u>N/A</u></u>	\$ <u><u></u></u>
Other (specify): <u><u>Appeal court costs</u></u>	\$ <u><u>5.00</u></u> <del><u><u></u></u></del>	\$ <u><u></u></u>
<b>Total monthly expenses:</b>	<b>\$ <u><u>8.00</u></u></b>	\$ <u><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

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'm incarcerated and I only receive \$12.00 a month and out of that I pay 3.00\$ dollars in child support and I pay 5.00 dollars a month for appeal court cost.

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

Executed on: March 25, 2019

Kelly #674-145  
(Signature)