

18-9192

SUPREME COURT OF THE UNITED STATES

MICHAEL BALICE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITIONER'S MOTION FOR LEAVE

TO PROCEED *in forma pauperis*

COMES NOW, in fact, I: the live man: Michael of the Balice family, with all rights reserved, by special appearance, not pro se, as born live, breathing man, sui juris, of my own right, possessing full social and civil rights, not under any legal disability, or the power of another, or guardianship, not under the venue and or jurisdiction of any presumed contracts with the state, State and/or Federal Government, in good faith, by restricted appearance not generally, from the start or from the beginning, then as now of necessity, without recourse. At no time by presumption appears and proceeds in any other manner, waive no rights, remedies and/or defenses. Furthermore, I stand in honor, without prejudice, with clean hands, the undersigned, as the live man: Michael of the Balice family, *in forma pauperis* for Appellant-Petitioner in the above captioned action, who

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SUPREME COURT, U.S.

hereby moves this honorable court under Rules 25 and 33 of the Rules of the Supreme Court to grant this *Motion for Leave to Proceed in forma pauperis*.

In support of the *Motion for Leave*, Petitioner submits the attached *Affidavit of Indigency*. As shown by the *Affidavit*, Petitioner does not have the funds to pay the filing fee to initiate a petition in Supreme Court of the United States, and therefore requests that the filing fees be waived. Petitioner has previously been granted this requested *en pauperis* status by the Third Circuit Court of Appeals and this Supreme Court of the United States.

WHEREFORE, Petitioner moves the Court to mercifully grant this *Motion for Leave to Proceed*.

Respectfully submitted this the 31st day of January 2019,

without recourse, without prejudice,

in like manner of 28 U.S.C. §1746(1),

By:

Michael Balice 1/31/19

:Michael: Balice:

care of:

~70 Maple Ave.

Metuchen, New Jersey ~08840

SUPREME COURT OF THE UNITED STATES

MICHAEL BALICE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

AFFIDAVIT OF INDIGENCY

COMES NOW, in fact, I: the live man: Michael of the Balice family, with all rights reserved, by special appearance, not_pro se, as born live, breathing man, sui juris, of my own right, possessing full social and civil rights, not under any legal disability, or the power of another, or guardianship, not under the venue and or jurisdiction of any presumed contracts with the state, State and/or Federal Government, in good faith, by restricted appearance not generally, from the start or from the beginning, then as now of necessity, without recourse. At no time by presumption appears and proceeds in any other manner, waive no rights, remedies and/or defenses. Furthermore, I stand in honor, without prejudice, with clean hands, the undersigned, as the live man: Michael of the Balice family, *in forma pauperis* for Appellant-Petitioner in the above captioned action, who hereby moves this Honorable Court and hereby request that this Honorable

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Court allow the Petitioner to proceed in *forma pauperis* in this action. Petitioner has previously been allowed to proceed in *forma pauperis*, by the 3rd District Court, Third Circuit Court of Appeals and this Supreme Court. I do solemnly swear under penalty of perjury that the answers provided on the attached *Affidavit of Declaration* (the financial disclosure form) are true and correct.

Respectfully submitted this the 31st day of January 2019,

without recourse, without prejudice,
in like manner of 28 U.S.C. §1746(1),

By:

Michael Balice

:Michael: Balice:

care of:

~70 Maple Ave.

Metuchen, New Jersey ~08840

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

I, Michael Balice, 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>1397.00</u>	\$ <u>n/a</u>	\$ <u>2400.</u>	\$ <u>N/a</u>
Self-employment	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Gifts	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Alimony	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Child Support	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>1141.00</u>	\$ <u>N/a</u>	\$ <u>1172.</u>	\$ <u>N/a</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/a</u>	\$ <u>0</u>	\$ <u>N/a</u>
Total monthly income:	\$ <u>2538.00</u>	\$ <u>N/a</u>	\$ <u>3572.00</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
CMCTRUCKSER	1500 Seymours St S. Plainfield N.J. 08840	6-15-18 to present	\$ 2580.
			\$
			\$

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

4. How much cash do you and your spouse have? \$ 365.00
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
checking	\$ 165.00	\$ N/A
	\$	\$
	\$	\$

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☒ Motor Vehicle #1
Year, make & model 2000 Ford Taurus
Value 300.00

☒ Motor Vehicle #2
Year, make & model 2006 Buick Lacerte
Value 1000.00

☐ Other assets
Description N/A
Value 0

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>	\$ <u>0</u>	\$ <u>N/A</u>
<u> </u>	\$ <u>0</u>	\$ <u>N/A</u>
<u> </u>	\$ <u>0</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>N/A</u>	<u> </u>	<u> </u>
<u>N/A</u>	<u> </u>	<u> </u>
<u>N/A</u>	<u> </u>	<u> </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>1575.00</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>68.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>N/A</u>
Food	\$ <u>600.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>20.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>20.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>25.00</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>165.00</u>	\$ <u>N/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>80.00</u>	\$ <u>N/a</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ <u>N/a</u>
Life	\$ <u>0.00</u>	\$ <u>N/a</u>
Health	\$ <u>130.00</u>	\$ <u>N/a</u>
Motor Vehicle	\$ <u>95.00</u>	\$ <u>N/a</u>
Other: _____	\$ <u>0.00</u>	\$ <u>N/a</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0.00</u>	\$ <u>N/a</u>
Installment payments		
Motor Vehicle	\$ <u>0.00</u>	\$ <u>N/a</u>
Credit card(s)	\$ <u>0.00</u>	\$ <u>N/a</u>
Department store(s)	\$ <u>0.00</u>	\$ <u>N/a</u>
Other: _____	\$ <u>0.00</u>	\$ <u>N/a</u>
Alimony, maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>N/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>	\$ <u>N/a</u>
Other (specify): <u>copies, mailing, printing</u>	\$ <u>350.00</u>	\$ <u>N/a</u>
<u>5 cases + Tithe</u>	\$ <u>2528</u>	\$ <u>N/a</u>
Total monthly expenses:	\$ <u>2528</u>	\$ <u>N/a</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: January 31, 2019

By Michael Balice
(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**