

18-9623

No. 18-6673 (EA7)6

ORIGINAL

Supreme Court, U.S.
FILED

MAR 29 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT WILLIAM WARNEY, PRO-SE (CURED) — PETITIONER
(Your Name)

VS.

J.P. MORGAN CHASE BANK, N.A. — 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):

~~200~~ S.C. DISTRICT COURT, U.S. COURT OF APPEALS

4TH CIRCUIT

☐ 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.

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(Signature)

RECEIVED

JUN 11 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, ROBERT WILLIAM WAZNEK, 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>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Gifts	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Alimony	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Child Support	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Other (specify):	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>

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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>	<u>n/a</u>	<u>n/a</u>	\$ <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>unknown</u>	<u>unknown</u>	<u>unknown</u>	\$ <u>unknown</u>
			\$
			\$

4. How much cash do you and your spouse have? \$ n/a
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>n/a</u>	\$ <u>n/a</u>	\$ <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 NA
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>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </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>n/a</u>	<u>n/a</u>
<u> </u>	<u> </u>	<u> </u>
<u> </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>n/a</u>	\$ <u>n/a</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>n/a</u>	\$ <u>n/a</u>
Home maintenance (repairs and upkeep)	\$ <u>n/a</u>	\$ <u>n/a</u>
Food	\$ <u>n/a</u>	\$ <u>n/a</u>
Clothing	\$ <u>n/a</u>	\$ <u>n/a</u>
Laundry and dry-cleaning	\$ <u>n/a</u>	\$ <u>n/a</u>
Medical and dental expenses	\$ <u>15</u>	\$ <u>n/a</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>n/a</u>	\$ <u>n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>n/a</u>	\$ <u>n/a</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>n/a</u>	\$ <u>n/a</u>
Life	\$ <u>44</u>	\$ <u>n/a</u>
Health	\$ <u>n/a</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>n/a</u>	\$ <u>n/a</u>
Other: _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Installment payments		
Motor Vehicle	\$ <u>n/a</u>	\$ <u>n/a</u>
Credit card(s)	\$ <u>n/a</u>	\$ <u>n/a</u>
Department store(s)	\$ <u>n/a</u>	\$ <u>n/a</u>
Other: _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Alimony, maintenance, and support paid to others	\$ <u>n/a</u>	\$ <u>n/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>n/a</u>	\$ <u>n/a</u>
Other (specify): <u>LEGAL STUFF TO F26147</u>	\$ <u>200</u>	\$ <u>n/a</u>
<u>AND 20% TO</u>		
<u>FEDERAL APPellate COURT</u>	\$ <u>259</u>	\$ <u>n/a</u>
Total monthly expenses:	\$ <u>259</u>	\$ <u>n/a</u>

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Affidavit or Declaration In support of
Motion for Leave to Proceed In Forma Pauperis

Answer to Question #12

WHY I CANNOT PAY THE COSTS OF THIS CASE

JAMES C. CAMPBELL CLERK OF COURT (Clerk)--on seven different occasions-- has not and will not file my in forma pauperis Motions with the Court inducing me not to present my case and depriving me of the opportunity to be heard and depriving my access to the court, deeming me unable to move forward with litigation, preventing my access to my assets (money). To my surprise, my wife (Sharon) had filed for a divorce, and which Judgment of such divorce is void due to jurisdictional Issue(s). I became misconvicted when Sharons teenage grand-daughter (Marian) made false truths at trial and I can prove it because in that video of Marian, Marian said I did not do those things she said I did at trial, Trial Court inappropriately did not allow that video evidence to be seen or heard by the Jury and I was not permitted to see or hear that video evidence until after I got to prison. I was unaware the counsel I had at trial was Marians friend and friend of her family which he admitted at the second trial and that is in the transcript, but the words I spoke at the two trials were not in the transcripts and the State never corrected those transcripts or addressed those issues even though I complained.

Sharon and I had gained custody of Marian, Marian's mother Angie then restored relations with Sharon from where years prior Angie gave into 'crack' Cocaine addiction and prostitution of herself for her addiction therefore betraying Sharons sons marriage. Angie wanted custody of Marian and she got it at my expense; my conviction because of Marians false truths.

Sharon, my wife of many years, without my knowledge had planned divorce and obtained counsel before we gained custody and has since divorced me using three different attorneys and since I had been thrown in jail, I have not been permitted access to my money or property to hire any lawyers to defend myself and I have not been able to access any of my money or property since my surprise incarceration. Sharon has since declared 'Chapter 7' Bankruptcy on the last piece of real estate with my name on it, Sharon

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has concealed, destroyed, mutilated, falsified and failed to keep or preserve recorded information from which Sharon's financial condition or business transactions might be ascertained notwithstanding my requests from Sharon for the same. Sharon has defrauded me of my property. Sharon has committed actual and constructive fraud upon me. Sharon sold two of our business properties for two-hundred-thirty-thousand dollars (\$230,000.00) each where I am denied from accessing any money because of Ex Parte Court Order freezing my assets not related to my misconviction. Clerk has a lawsuit against it by me where it violated my constitutional rights by not filing my in forma pauperis Motions I sent to it for the Court seven different times denying my access to Court preventing my Motions from being heard, and so I may access my money. That Clerk is affiliated with my misconviction and the inappropriate government interference by the incursion of pretrial freezing of my legitimate untainted assets as a criminal defendant (see attached ORDER FOR EX PARTE / EMERGENCY HEARING). That Clerk has committed extrinsic fraud upon me, and that Clerk has refused to file my Application for Post-Conviction Relief Motion with the Court. I am not an attorney. I am not one who is experienced in dealing with legal matters. I have been inappropriately forced to be an indigent prisoner by operation of the government and I am faced with having to present papers with many courts regarding my self and my property. I cannot properly read law. I cannot properly read Court orders. I am trying my best to frame the issues involved in the matters of this and the many cases where they and all of the information surrounding them are intricately intertwined. I am forced to be an unrepresented person who cannot afford counsel and I am forced to be pro se all because officer(s) of the Court actions have effected my poverty. That is why I cannot pay the costs of this case. In support of my claims I declare under penalty of perjury the foregoing is true and correct.

~~April~~ ^{MAY} 31, 2019.

/s/

ROBERT WILLIAM WAANEY

990 Wisacky Highway

Bishopville, SC 29010

Indigent Captive Pro se (forced)

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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.

RELEASE FROM WATSON

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 I HAD MY MONEY THE STATE FOLLOWS

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.

SEE ATTACHED PP. 6-7

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

Executed on: MAY 31, 2019

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(Signature)
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RECORDED

STATE OF SOUTH CAROLINA

2015 JAN 20 AM 11:59

IN THE FAMILY COURT OF THE

THIRD JUDICIAL CIRCUIT

COUNTY OF SUMTER

JAMES C CAMPBELL

CLERK OF COURT

SUMTER COUNTY SC

Docket No.: 2015-DR-43-46

Sharon Renee Wazney,

Plaintiff,

**ORDER FOR
EX PARTE / EMERGENCY HEARING**

v.

Robert William Wazney,

Defendant.

Based upon a review of the Complaint and supporting Affidavit of the Plaintiff, it is apparent that there is a need for an emergency hearing as this involves the parties' assets and debts. Due to the severity of the criminal charges and the multiple counts of each charge, there is a necessity of a Restraining Order against the Defendant from disposing of any assets currently in his control, possession or name, in with the Plaintiff may have equitable interest, or from further incurring any debts in the Plaintiff's name or for which the Plaintiff is responsible. There is also a necessity of a Restraining Order against the Defendant from bothering, abusing, threatening abuse, harassing or in any fashion interfering with the Plaintiff.

I find that an emergency situation exists and an emergency hearing should be held as soon as possible waiving all statutory time/notice requirements. This Order is issued without prejudice to either party at a hearing on the merits.

NOW THEREFORE, it is

ORDERED that an emergency hearing will be scheduled for the 5th day of

February, 2015, at 11:00 o'clock (a.m./p.m.), at the Sumter County Family Court, 205 North Harvin Street, Sumter, South Carolina. It is further,

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ORDERED that the Defendant be restrained from disposing of any assets currently in his control, possession or name, in with the Plaintiff may have equitable interest, or from further incurring any debts in the Plaintiff's name or for which the Plaintiff is responsible. It is further,

ORDERED that the Defendant be restrained from bothering, abusing, threatening abuse, harassing or in any fashion interfering with the Plaintiff. It is further,

AND, IT IS SO ORDERED!

Suter, South Carolina
1/20, 2015

[Signature]
Family Court Judge
Third Judicial Circuit

ATTEST A TRUE COPY
[Signature]
CLERK OF COURT