

NO. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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JAMES WARDELL QUARY - Petitioner

V.

N.C. ENGLISH, Warden - Respondent.

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

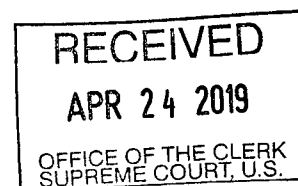
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Pursuant to Rule 39 of the Rules of this Court, the Petitioner, James Wardell Quary, asks leave to file the attached Petition for Writ of Certiorari, without prepayment of costs, and to proceed In Forma Pauperis.

The Petitioner was GRANTED In Forma Pauperis to proceed on his Appeal in the Tenth Circuit. Petitioner is incarcerated and remains indigent.

Respectfully submitted,

*James Quary* 4/16/2019  
James Wardell Quary (PRO SE)  
Reg. No. 04868-031  
U.S. Penitentiary  
P.O. BOX 1000  
Leavenworth, KS 66048



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

I, JAMES QUARY, 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	\$ 78.60	\$	\$ 78.60	\$
Self-employment	\$ X	\$	\$ X	\$
Income from real property (such as rental income)	\$ X	\$	\$ X	\$
Interest and dividends	\$ X	\$	\$ X	\$
Gifts	\$ 100.00	\$	\$ 100.00	\$
Alimony	\$ X	\$	\$ X	\$
Child Support	\$ X	\$	\$ X	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ X	\$	\$ X	\$
Disability (such as social security, insurance payments)	\$ X	\$	\$ X	\$
Unemployment payments	\$ X	\$	\$ X	\$
Public-assistance (such as welfare)	\$ X	\$	\$ X	\$
Other (specify):	\$ X	\$	\$ X	\$
<b>Total monthly income:</b>	<b>\$ 178.60</b>	<b>\$</b>	<b>\$ 178.60</b>	<b>\$</b>

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**

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

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**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ 18.00

\$ \_\_\_\_\_

Home maintenance (repairs and upkeep)

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Food

\$ 130.00

\$ \_\_\_\_\_

Clothing

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Laundry and dry-cleaning

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Medical and dental expenses

\$ \_\_\_\_\_

\$ \_\_\_\_\_

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>X</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>X</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>X</u>	\$ _____
Life	\$ <u>X</u>	\$ _____
Health	\$ <u>X</u>	\$ _____
Motor Vehicle	\$ <u>X</u>	\$ _____
Other: _____	\$ <u>X</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>X</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>X</u>	\$ _____
Credit card(s)	\$ <u>X</u>	\$ _____
Department store(s)	\$ <u>X</u>	\$ _____
Other: _____	\$ <u>X</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>X</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>X</u>	\$ _____
Other (specify): <u>Trunklinecs Email Service</u>	\$ <u>30.00</u>	\$ _____
<b>Total monthly expenses:</b>	\$ <u>178.00</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 <sup>have been</sup> confined for over 23 yrs. and do not have an outside job or much financial support.*

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

Executed on: 6/24, 2019

James Query  
(Signature)