

19-5524

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

TONG LOR,
Petitioner,

v.

SHANE JACKSON.
Respondent.

Case no. _____

Sixth Circuit no. _____

Fed. Dist. Ct. no. 2:16-11028

FILED

MAY 24 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Tong Lor #833580
Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon Heights, MI 49444

Respondent Office of the
Michigan Attorney General
P.O. Box 30212
Lansing, MI 48909

MOTION AND APPLICATION FOR IN FORMA PAUPERIS

Petitioner Tong Lor, acting pro se is respectfully requesting to move this Honorable Court to grant the Motion for In Form Pauperis. The following facts are in support of the motion:

1. Petitioner family hired Attorney Mr. Dana B. Carron (P44436) to provide legal representation and file a petition for habeas corpus in the United States District Court Eastern District of Michigan Southern Division. On October 5, 2018, the District Court Judge Avern Cohn, issued an order denying the petition for writ of habeas corpus and denying certificate of appealability. Case no. 2:16-11028, Tong Lor v. Shane Jackson

2. Petitioner unable to continue paying for retained counsel, filed his own pro se an Application to Proceed in Forma Pauperis of appeal, pursuant to Fed.R. App. P.24(a)(1), to file his certificate of appealability in the Sixth Circuit Court of Appeals. District Court Judge Cohn granted the Petitioner's request to proceed in forma pauperis on appeal, on December 27, 2018.

3. Petitioner filed a certificate of appealability in the Sixth Circuit Court of Appeals, and was denied certificate of appealability, rendering his status of in forma pauperis moot, on March 6, 2019. Case no. 18-2355, Tong Lor v. Shane Jackson

4. Petitioner still remains incarcerated and only has a prison job, and is unable to pay the filing fees for Writ of Certiorari. He is providing an affidavit from the prison business office showing his account activity for the past six months, establishing his financial status of indigence. See (Certificate of Prisoner Institutional/Trust Fund Account Activity Affidavit). He is declaring that he has no stocks, bond, or bank accounts, and is unable to pay the required filing costs and fees to file writ of certiorari.

WHEREFORE, Petitioner Tong Lor is requesting the Court to grant him in forma pauperis status, under 28 U.S.C. § 1915(a). He is an American citizen and meets the requirement according to Denton v. Hernandez, 504 U.S. 25, at 31 (1992)("In enacting the federal in forma pauperis statute, Congress 'intended to guarantee that no citizen shall be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because of poverty makes it impossible to pay or secure the costs' of litigation.").

VERIFICATION

I Tong Lor, do declare under the penalty of perjury pursuant to title 28 U.S.C. § 1746, that the above information contained herein is true and correct to the best of my personal knowledge, information, and belief.

Respectfully submitted by,

Tong Lor #833580
Tong Lor, pro se
7-5-2019

July 5, 2019

cc on file

AFFIDAVIT IN SUPPORT OF PETITIONER'S CLAIM FOR INDIGENT STATUS

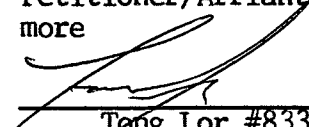
STATE OF MICHIGAN)
COUNTY OF MUSKEGON)

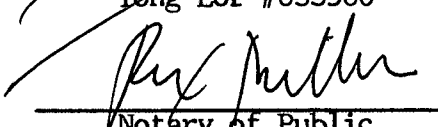
This affidavit is to prove to the United States Supreme Court that I'm eligible for indigent status do to incarceration and the limited ability to earn money to afford the basic living necessities, not to mention the lack of ability to pay the filing fees. This imposition on the Petitioner would bring about serious hardship on him for simply pursuing his legal right for writ of certiorari in the Supreme Court of the United States of America.

I, Tong Lor say and depose the following:

I, Petitioner/Affiant in this action do declare under the penalty of perjury pursuant to title 28 U.S.C. § 1746, that I have no bank accounts, stocks, bonds, 401K, and my family can not afford to pay the legal fees and cost for this filing. I'm solely employed by the Michigan Department of Corrections, which provides just enough income to buy the basic necessities. In support of this claim the Prison Business Office has provided a Certificate of Prisoner Account Activity and Affidavit that also verifies my account balance for the last year. The information contained in this Motion for Waiver or Suspension of Fees and Cost to Establish Indigent Status contain herein is true and correct to the best of my personal knowledge, information and belief.

Petitioner/Affiant says no
more


Tong Lor #833580


Notary of Public

Subscribed and sworn to before me, a Notary Public,
this 17th day of July, 2019

My Commission Expires:

REX MILLER
Notary Public, State of Michigan
County of Kent 10/2019
My Commission Expires 10/2019
Acting in the County of Muskegon

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

I, Tung Lor, 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>57.03</u>	\$ <u>NA</u>	\$ <u>26.22</u>	\$ <u>NA</u>
Self-employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>26.22</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</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
Michigan Department of Corrections	Brooks Correctional Facility 2500 S. Sheridan Dr. Muskegon Heights MI 49444		\$ 26.27
			\$
			\$

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
NA	NA	NA	\$ NA
			\$
			\$

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
NA	\$ NA	\$ NA
	\$	\$
	\$	\$

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

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model NA
Value

☐ Motor Vehicle #2
Year, make & model NA
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>NA</u>	\$ <u>NA</u>	\$ <u>NA</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>NA</u>	<u>NA</u>	<u>NA</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>NA</u>	\$ <u>NA</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>NA</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u> </u>
Food	\$ <u>NA</u>	\$ <u> </u>
Clothing	\$ <u>NA</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>NA</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u> </u>

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

If yes, state the attorney's name, address, and telephone number:

NA

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? NA

If yes, state the person's name, address, and telephone number:

NA

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

I am a prisoner, who is employed by Michigan Department of corrections, as a paper and earn on average about \$26.00 dollar monthly.

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

Executed on: July 5th, 2019

Teng her
(Signature)