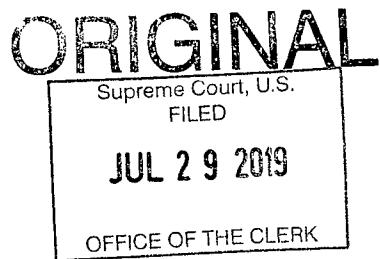


No. 19-5659

IN THE
SUPREME COURT OF THE UNITED STATES



Anthony L. Viola — PETITIONER
(Your Name)

VS.

United States of America — 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):

U.S. District Court, Western District of Pennsylvania

in this case, copy of court order attached hereto.

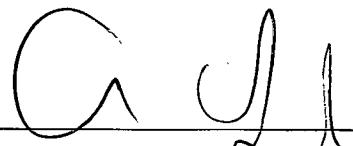
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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.


(Signature)

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

I, Anthony L. Viola, 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	
	* I do not have a spouse		You	Spouse
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ 100.00	\$ _____	\$ 100.00	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): <u>25/month jail job</u>	\$ 25.00	\$ _____	\$ 25.00	\$ _____
Total monthly income:	\$ <u>\$125.00</u>	\$ _____	\$ <u>\$125.00</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
prisoner job		2012 - present	\$ 25.00
			\$
			\$

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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ \$100.00 (prison account)
 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
prison account		\$ \$100	\$
		\$	\$
		\$	\$

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

Home
 Value _____

Other real estate
 Value _____

Motor Vehicle #1
 Year, make & model _____
 Value _____

Motor Vehicle #2
 Year, make & model _____
 Value _____

Other assets
 Description _____
 Value _____

NO ASSETS

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
none	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
no one	_____	_____
_____	_____	_____
_____	_____	_____

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? <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	\$ _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>jail expenses, toiletries, phones</u>	\$ <u>125.00</u>	\$ _____
Total monthly expenses:	\$ <u>125.00</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? typing ribbons & copies \$ 25

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

Petitioner's costs of preparing the petition

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

I have been in jail since 1/5/12.

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

Executed on: July 29, 2019



(Signature)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY L. VIOLA,)
Petitioner,) Civil Action No. 17-214 Erie
)
v.) Judge Nora Barry Fischer
) Magistrate Judge Susan Paradise Baxter
WARDEN ZUNIGA,)
Respondent.)

MEMORANDUM ORDER

AND NOW, this 23rd day of April, 2018, upon consideration of Pro Se Petitioner's Motion for Leave to Appeal In Forma Pauperis (Document No. [19]), filed in the above-captioned matter on April 23, 2018,

IT IS HEREBY ORDERED that said Motion is GRANTED.

/s/ Nora Barry Fischer
United States District Court Judge

cc/ecf: All counsel of record

cc: Anthony L. Viola
32238-160
McKean Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 8000
Bradford, PA 16701

All Transactions



Inmate Reg #: 32238160 Current Institution: McKean FCI
 Inmate Name: VIOLA, ANTHONY Housing Unit: MCK-E-A
 Report Date: 07/25/2019 Living Quarters: E03-108L
 Report Time: 4:34:18 PM

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
7/22/2019 11:57:04 AM	Sales - Fingerprint	(\$49.90)	102		\$129.01
7/16/2019 10:53:06 AM	Sales - Fingerprint	(\$30.40)	3		\$178.91
7/15/2019 10:31:08 AM	TRUL Withdrawal	(\$30.00)	TL0715		\$209.31
7/15/2019 9:04:36 AM	Phone Withdrawal	(\$25.00)	TFN0715		\$239.31
7/3/2019 9:17:38 AM	Debt Encumbrance	(\$4.80)	UMCKD022		
			- 3983		
7/3/2019 9:17:38 AM	Payroll - IPP	\$24.00	UIPP0619		\$264.31
7/1/2019 12:10:49 AM	PLRA Payment	(\$66.00)	UMCKD022	2192	\$240.31
7/1/2019 12:10:49 AM	Debt Encumbrance - Released	\$60.00	UMCKD022		
			- 3962		
7/1/2019 12:10:49 AM	Debt Encumbrance - Released	\$6.00	UMCKD022		
			- 3773		
6/26/2019 2:04:25 PM	Debt Encumbrance	(\$60.00)	UMCKD022		
			- 3962		
6/26/2019 2:04:25 PM	Western Union	\$300.00	33319177		\$306.31
6/24/2019 11:39:33 AM	Sales - Fingerprint	(\$20.15)	48		\$6.31
6/17/2019 11:06:36 AM	Sales - Fingerprint	(\$38.95)	42		\$26.46
6/7/2019 11:34:00 AM	FRP Quarterly Pymt	(\$25.00)	UFRP0619		\$65.41
6/7/2019 11:33:49 AM	Debt Encumbrance	(\$6.00)	UMCKD022		
			- 3773		
6/7/2019 11:33:49 AM	Payroll - IPP	\$30.00	UIPP0519		\$90.41
6/5/2019 10:58:50 AM	Sales - Fingerprint	(\$39.75)	15		\$60.41
6/1/2019 12:10:54 AM	PLRA Payment	(\$27.20)	UMCKD022	1956	\$100.16
6/1/2019 12:10:54 AM	Debt Encumbrance - Released	\$20.00	UMCKD022		
			- 3506		
6/1/2019 12:10:54 AM	Debt Encumbrance - Released	\$7.20	UMCKD022		
			- 3355		
5/30/2019 10:57:12 AM	Sales - Fingerprint	(\$25.60)	15		\$127.36
5/25/2019 11:54:54 AM	TRUL Withdrawal	(\$15.00)	TL0525		\$152.96
5/25/2019 11:52:10 AM	Phone Withdrawal	(\$18.00)	TFN0525		\$167.96
5/21/2019 11:05:14 AM	Sales - Fingerprint	(\$74.40)	24		\$185.96
5/20/2019 3:04:51 PM	Debt Encumbrance	(\$20.00)	UMCKD022		
			- 3506		
5/20/2019 3:04:51 PM	Western Union	\$100.00	33319140		\$260.36
5/13/2019 11:10:52 AM	Sales - Fingerprint	(\$10.50)	40		\$160.36
5/13/2019 11:10:16 AM	Sales - Fingerprint	(\$24.05)	39		\$170.86
5/10/2019 11:02:12 AM	Debt Encumbrance	(\$7.20)	UMCKD022		
			- 3355		
5/10/2019 11:02:12 AM	Payroll - IPP	\$36.00	UIPP0419		\$194.91
5/6/2019 11:19:26 AM	Sales - Fingerprint	(\$56.50)	40		\$158.91
5/1/2019 12:10:56 AM	PLRA Payment	(\$86.80)	UMCKD022	1727	\$215.41
5/1/2019 12:10:56 AM	Debt Encumbrance - Released	\$80.00	UMCKD022		
			- 3048		
5/1/2019 12:10:56 AM	Debt Encumbrance - Released	\$6.80	UMCKD022		
			- 2807		
4/29/2019 10:54:07 AM	Sales - Fingerprint	(\$30.50)	36		\$302.21
4/24/2019 10:55:25 AM	Sales - Fingerprint	(\$88.10)	15		\$332.71
4/20/2019 5:38:50 PM	Phone Withdrawal	(\$40.00)	TFN0420		\$420.81
4/19/2019 3:44:13 PM	TRUL Withdrawal	(\$30.00)	TL0419		\$460.81
4/18/2019 6:04:14 PM	Debt Encumbrance	(\$80.00)	UMCKD022		
			- 3048		
4/18/2019 6:04:14 PM	Western Union	\$400.00	33319108		\$490.81
4/18/2019 11:15:23 AM	Sales - Fingerprint	(\$28.25)	17		\$90.81
4/8/2019 11:08:30 AM	Sales - Fingerprint	(\$36.85)	56		\$119.06
4/5/2019 2:38:54 PM	Phone Withdrawal	(\$21.00)	TFN0405		\$155.91
4/5/2019 2:22:15 PM	TRUL Withdrawal	(\$5.00)	TL0405		\$176.91
4/5/2019 1:49:37 PM	Debt Encumbrance	(\$6.80)	UMCKD022		
			- 2807		
4/5/2019 1:49:37 PM	Payroll - IPP	\$34.00	UIPP0319		\$181.91

4/2/2019 11:17:16 AM	<u>Sales - Fingerprint</u>	(\$51.50)	21		\$147.91
4/1/2019 12:10:39 AM	PLRA Payment	(\$6.00)	UMCKD022	1395	\$199.41
4/1/2019 12:10:39 AM	Debt Encumbrance - Released	\$6.00	UMCKD022		
3/27/2019 11:35:07 AM	<u>Sales - Fingerprint</u>	(\$47.45)	84		\$205.41
1 2 3 4					

All Transactions



Inmate Reg #: 322238160 Current Institution: McKean FCI
 Inmate Name: VIOLA, ANTHONY Housing Unit: MCK-E-A
 Report Date: 07/25/2019 Living Quarters: E03-108L
 Report Time: 4:34:48 PM

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
3/25/2019 6:48:36 PM	TRUL Withdrawal	(\$30.00)	TL0325		\$252.86
3/12/2019 11:02:13 AM	Sales - Fingerprint	(\$12.20)	79		\$282.86
3/12/2019 11:01:01 AM	Sales - Fingerprint	(\$51.90)	78		\$295.06
3/8/2019 12:23:05 PM	FRP Quarterly Pymt	(\$25.00)	UFRP0319		\$346.96
3/8/2019 12:22:52 PM	Debt Encumbrance	(\$6.00)	UMCKD022 - 2342		
3/8/2019 12:22:52 PM	Payroll - IPP	\$30.00	UIPP0219		\$371.96
3/4/2019 11:21:31 AM	Sales - Fingerprint	(\$13.40)	63		\$341.96
3/4/2019 11:20:29 AM	Sales - Fingerprint	(\$58.15)	62		\$355.36
3/3/2019 2:22:29 PM	TRUL Withdrawal	(\$30.00)	TL0303		\$413.51
3/1/2019 12:10:32 AM	PLRA Payment	(\$124.40)	UMCKD022 1128		\$443.51
3/1/2019 12:10:32 AM	Debt Encumbrance - Released	\$38.00	UMCKD022 - 1981		
3/1/2019 12:10:32 AM	Debt Encumbrance - Released	\$6.40	UMCKD022 - 1933		
3/1/2019 12:10:32 AM	Debt Encumbrance - Released	\$80.00	UMCKD022 - 1865		
2/26/2019 11:15:06 AM	Sales - Fingerprint	(\$33.75)	25		\$567.91
2/25/2019 8:25:48 AM	Books	(\$5.00)	2105	1117	\$601.66
2/25/2019 8:25:48 AM	BP 199 Request - Released	\$5.00	2105		
2/20/2019 11:20:49 AM	Sales - Fingerprint	(\$49.50)	34		\$606.66
2/19/2019 12:59:15 PM	BP 199 Request	(\$5.00)	2105		
2/12/2019 11:34:42 AM	Sales - Fingerprint	(\$10.00)	52		\$656.16
2/12/2019 11:17:29 AM	Sales - Fingerprint	(\$35.95)	41		\$666.16
2/10/2019 9:05:09 PM	Debt Encumbrance	(\$38.00)	UMCKD022 - 1981		
2/10/2019 9:05:09 PM	Western Union	\$190.00	33319041		\$702.11
2/8/2019 1:24:00 PM	Debt Encumbrance	(\$6.40)	UMCKD022 - 1933		
2/8/2019 1:24:00 PM	Payroll - IPP	\$32.00	UIPP0119		\$512.11
2/6/2019 11:19:16 AM	Sales - Fingerprint	(\$64.40)	14		\$480.11
2/6/2019 9:16:57 AM	Debt Encumbrance - Released	\$80.00	UMCKD017 - 1864		
2/3/2019 6:05:35 PM	Debt Encumbrance	(\$80.00)	UMCKD022 - 1865		
2/3/2019 6:05:35 PM	Debt Encumbrance	(\$80.00)	UMCKD017 - 1864		
2/3/2019 6:05:35 PM	Western Union	\$400.00	33319034		\$544.51
2/2/2019 4:30:24 AM	Initial PLRA Pymt	\$80.90	586-C		\$144.51
1/29/2019 12:43:07 PM	TRUL Withdrawal	(\$30.00)	TL0129		\$63.61
1/29/2019 11:09:41 AM	Sales - Fingerprint	(\$72.10)	25		\$93.61
1/23/2019 11:32:38 AM	Initial PLRA Pymt	(\$65.93)	UMCKD022 888		\$165.71
1/23/2019 11:28:33 AM	Debt Encumbrance - Released	\$58.00	UMCKD017 - 1654		
1/23/2019 11:28:33 AM	Debt Encumbrance - Released	\$6.40	UMCKD017 - 1445		
1/22/2019 11:12:22 AM	Sales - Fingerprint	(\$74.60)	51		\$231.64
1/16/2019 7:04:45 PM	Debt Encumbrance	(\$58.00)	UMCKD017 - 1654		
1/16/2019 7:04:45 PM	Western Union	\$290.00	33319016		\$306.24
1/15/2019 11:41:50 AM	Sales - Fingerprint	(\$64.95)	32		\$16.24
1/14/2019 9:59:15 AM	Debt Encumbrance - Released	\$6.40	TMCKD037 - 1444		
1/8/2019 11:12:03 AM	Sales - Fingerprint	(\$52.70)	25		\$81.19
1/4/2019 1:19:50 PM	Debt Encumbrance	(\$6.40)	UMCKD017 - 1445		
1/4/2019 1:19:50 PM	Debt Encumbrance	(\$6.40)	TMCKD037 - 1444		
1/4/2019 1:19:50 PM	Payroll - IPP	\$32.00	UIPP0119		\$133.89

1/3/2019 11:11:54 AM	<u>Sales - Fingerprint</u>	(\$18.35) 16	\$101.89
12/31/2018 11:52:11 AM	<u>Sales - Fingerprint</u>	(\$144.20) 78	\$120.24
12/21/2018 11:51:10 AM	TRUL Withdrawal	(\$30.00) TL1221	\$264.44
12/20/2018 11:02:58 AM	<u>Sales - Fingerprint</u>	(\$20.35) 36	\$294.44
12/20/2018 4:30:20 AM	PLRA Payment	\$63.20 482-C	\$314.79
12/18/2018 7:22:17 AM	<u>Sales - Fingerprint</u>	(\$88.35) 40	\$251.59

1 2 3 4