

19-5704
IN THE UNITED STATES SUPREME COURT **ORIGINAL**

IN RE:
JAMES LARRY
PETITIONER

V

FILED
JUL 23 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

WARDEN TONEY
STATE OF ALABAMA
RESPONDENT

CASE NUMBER: _____
(TO BE ASSIGNED BY CLERK)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

JAMES LARRY
AIS #113421
DORM H
28779 NICK DAVIS ROAD
HARVEST, ALABAMA 35749

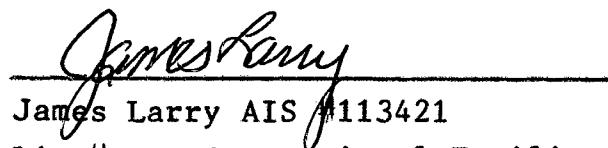
Comes now James Larry, by and through the assistance of a Limestone Correctional Facility Law Clerk and submits his Motion For Leave To Proceed In Forma Pauperis to file and prosecute this "Original Writ of Habeas Corpus pursuant to 28 U.S.C. §1651(a) and §2254(a) of the United States Code, and submits the following as grounds in support of the granting of this motion, whereas:

- 1) Larry is an indigent and incarcerated prisoner in the State of Alabama prison system. As such Larry receives no income for the performance of any institutional job he may be assigned to.
- 2) Larry has been diagnosed as suffering from severe mental health issues due to the PTSD he suffers from as a consequence of heavy combat exposure when he served in the United States Marine Corps during the Vietnam Era.
- 3) Larry has suffered from and been subjected to continuous psychiatric treatment, and episodes of hospitalization over the more than past thirty years.
- 4) Due to this factor, Larry has not been able to maintain or obtain any form of employment throughout this time period. Larry's sole source of income is the disability he receives from the Veterans Administration.
- 5) Larry has been a prisoner in the Alabama Prison System for a number of years. He has no earned income, owns no personal property that can be liquidated, and cannot otherwise provide security for the costs, and fees to file and prosecute his "Original Writ of Habeas Corpus" in the United States Supreme Court.
- 6) This Original Writ of Habeas Corpus is focused on the denial by the state and federal district courts to properly and fairly entertain and or adjudicate his prior filings in those respective courts. Due to

Such Larry finds that the only possible avenue for relief is to seek remedy in the United States Supreme Court from what is a manifest injustice.

7) Larry submits attached to this Motion For Leave To Proceed In Forma Pauperis the completed in forma pauperis application form as required by this Honorable Court. Seeking that this Court will grant him leave to proceed in forma pauperis to file and prosecute his Petition For Original Writ of Habeas Corpus pursuant to 28 U.S.C. §§1651(a) and 2254(a).

Respectfully submitted this the August 13, 2019.



James Larry AIS #113421
Limestone Correctional Facility
28779 Nick Davis Road
Harvest, Alabama 35749

CERTIFICATE OF SERVICE UNDER PENALTY OF PERJURY

I James Larry hereby certify under penalty of perjury that the information contained within the foregoing is true and correct to the best of my knowledge and belief and that I am on this the 13 day of August 2019 serving a copy of the same upon all parties involved by placing a copy of the same in the Institutional Legal Mail System Limestone Correctional Facility prior to the close of the normal business day.



James Larry AIS #113421

Clerk of the Court
United States Supreme Court
Washington D.C. 20543

Attorney General
State of Alabama
501 Washington Ave.
Montgomery Al. 36130

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES K LARRY — PETITIONER
(Your Name)

VS.

STATE OF ALABAMA 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):

FROM TRIAL through DIRECT APPEAL

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

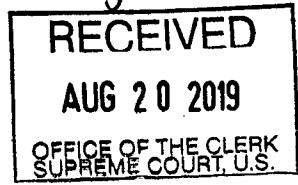
Petitioner's affidavit or declaration in support of this motion is attached hereto.

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.

James Larry
(Signature)



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

I, JAMES LARRY, 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	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>140,00</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>140</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
<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>N/A</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 1,200.

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
<u>LIMESTONE PRISON</u>	<u>INMATE ACCOUNT</u>	\$ <u>1,200</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 _____

Motor Vehicle #2

Year, make & model _____

Value N/A

Value N/A

Other assets

Description _____

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
0	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
N/A	_____	_____
_____	_____	_____
_____	_____	_____

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): _____	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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: August 13, 2019, 20____


(Signature)