

No. 19-6091

ORIGINAL

Supreme Court, U.S.
FILED

SEP 12 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

James L. Toney — PETITIONER
(Your Name)

VS.

Heath Dickson et al. — 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):

United States Court of Appeals For The Eighth Circuit No: 19-1059
(16-18-cv-06049-PKH)
Appeal from U.S. District Court for the Western District of Arkansas - Hot Springs

☐ 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 L. Toney
(Signature)

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

I, James L. Toney, 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>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Self-employment	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Income from real property (such as rental income)	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Interest and dividends	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Gifts	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Alimony	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Child Support	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Unemployment payments	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Other (specify): _____	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</u>	\$ _____
Total monthly income:	\$ <u>NONE</u>	\$ _____	\$ <u>NONE</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>			\$ <u>NONE</u>
<u>N/A</u>			\$ <u>NONE</u>
<u>N/A</u>			\$ <u>NONE</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>NONE</u>			\$ <u>NONE</u>
<u>NONE</u>			\$ <u>NONE</u>
<u>NONE</u>			\$ <u>NONE</u>

4. How much cash do you and your spouse have? \$ NONE ϕ
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>NONE</u>	\$ <u>NONE</u>
<u>N/A</u>	\$ <u>NONE</u>	\$ <u>NONE</u>
<u>N/A</u>	\$ <u>NONE</u>	\$ <u>NONE</u>

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

☐ Home N/A
Value NONE

☐ Other real estate N/A
Value NONE

☐ Motor Vehicle #1 N/A
Year, make & model N/A
Value NONE

☐ Motor Vehicle #2 N/A
Year, make & model N/A
Value NONE

☐ Other assets N/A
Description N/A
Value NONE

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

N/A

\$ none

\$ _____

N/A

\$ none

\$ _____

N/A

\$ none

\$ _____

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

N/A

N/A

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) N/A

\$ none

\$ _____

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

Utilities (electricity, heating fuel,
water, sewer, and telephone) N/A

\$ none

\$ _____

Home maintenance (repairs and upkeep) N/A

\$ none

\$ _____

Food N/A

\$ none

\$ _____

Clothing N/A

\$ none

\$ _____

Laundry and dry-cleaning N/A

\$ none

\$ _____

Medical and dental expenses N/A

\$ none

\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments) <i>N/A</i>	\$ <u>none</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc. <i>N/A</i>	\$ <u>none</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments) <i>N/A</i>		
Homeowner's or renter's <i>N/A</i>	\$ <u>none</u>	\$ _____
Life <i>N/A</i>	\$ <u>none</u>	\$ _____
Health <i>N/A</i>	\$ <u>none</u>	\$ _____
Motor Vehicle <i>N/A</i>	\$ <u>none</u>	\$ _____
Other: <u><i>N/A</i></u>	\$ <u>none</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u><i>N/A</i></u>	\$ <u>none</u>	\$ _____
Installment payments <i>N/A</i>		
Motor Vehicle <i>N/A</i>	\$ <u>none</u>	\$ _____
Credit card(s) <i>N/A</i>	\$ <u>none</u>	\$ _____
Department store(s) <i>N/A</i>	\$ <u>none</u>	\$ _____
Other: <u><i>N/A</i></u>	\$ <u>none</u>	\$ _____
Alimony, maintenance, and support paid to others <i>N/A</i>	\$ <u>none</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement) <i>N/A</i>	\$ <u>none</u>	\$ _____
Other (specify): <u><i>N/A</i></u>	\$ <u>none</u>	\$ _____
Total monthly expenses: <i>N/A</i>	\$ <u>none</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? _____

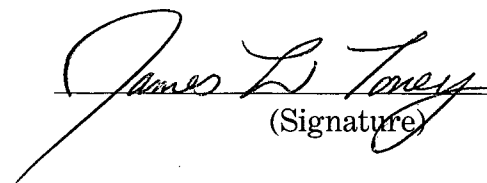
If yes, state the person's name, address, and telephone number: *N/A*

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

N/A I am in prison now

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

Executed on: *Sept, 8,* _____, 20*19*


(Signature)

VERIFICATION

STATE OF ARKANSAS

COUNTY OF Washington

Petitioner, James Leonard Toney, being first duly sworn under oath, presents that he has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 12 day of September, 20 19

Joanna R Humphrey
Notary Public

My Commission Expires: October 30, 2024

Joanna R Humphrey
Washington County, Arkansas
Notary Public
Commission # 12402078
Expires October 30, 2024

CERTIFICATE OF SERVICE

I, James Leonard Toney, Petitioner herein, do certify that a copy of this petition has been served this 12th day of September, 20 19, to U.S. Supreme Court, [REDACTED], Office Of The Clerk, [REDACTED] by placing same in the U.S. Mail with sufficient postage affixed to ensure delivery.

James L Toney
Petitioner, Pro Se
ADC# 107698

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-1059

James L. Toney

Plaintiff - Appellant

v.

Corporal Heath Dickson, Malvern Police Department (MPD); Chief Donnie Taber, MPD;
Assistant Jim Bailey, MPD

Defendants - Appellees

Appeal from U.S. District Court for the Western District of Arkansas - Hot Springs
(6:18-cv-06049-PKH)

JUDGMENT

Before LOKEN, GRASZ, and KOBES, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). Appellant's motion to proceed on appeal in forma pauperis is granted. Appellant's motion for appointment of counsel is denied as moot.

June 17, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans