

No. 19-6274

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
OCT 10 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SERGEI KOVALEV — PETITIONER
(Your Name)

VS.

CITY OF PHILADELPHIA, 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):

U.S. DISTRICT COURT for the EASTERN DISTRICT OF PA (copy attached)

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: N/A, or

a copy of the order of appointment is appended.



(Signature)

RECEIVED
OCT 16 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, SERGEI KOVALEV, 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	\$ 0	\$ N/A	\$ 0	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A
Interest and dividends	\$ 0	\$ N/A	\$ 0	\$ N/A
Gifts	\$ 0	\$ N/A	\$ 0	\$ N/A
Alimony	\$ 0	\$ N/A	\$ 0	\$ N/A
Child Support	\$ 0	\$ N/A	\$ 0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ N/A	\$ 0	\$ N/A
Disability (such as social security, insurance payments)	\$ 0	\$ N/A	\$ 0	\$ N/A
Unemployment payments	\$ 0	\$ N/A	\$ 0	\$ N/A
Public-assistance (such as welfare)	\$ 0	\$ N/A	\$ 0	\$ N/A
Other (specify): <u>N/A</u>	\$ 0	\$ N/A	\$ 0	\$ N/A
Total monthly income:	<u>\$ 0</u>	<u>\$ N/A</u>	<u>\$ 0</u>	<u>\$ N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer (religious)	Address	Dates of Employment	Gross monthly pay
Int. Church of Et. R.	3206 Frankford Av, Phila.	1999 - Present	\$ 0
			\$
			\$

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	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ 30 (property of the Church)
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
N/A	\$ NONE	\$ N/A
	\$	\$
	\$	\$

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 (See attached explanations)

Other real estate

Value N/A (See attached explanations)

Motor Vehicle #1

Year, make & model 2005 Suzuki-For.

Value N/A (See attached explanations)

Motor Vehicle #2

Year, make & model NONE

Value _____

Other assets

Description N/A

Value 0

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	\$ N/A	\$ N/A
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
Church pays monthly expenses		
Rent or home-mortgage payment (include lot rented for mobile home)	\$ N/A	\$ N/A
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)	\$ N/A	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A	\$ N/A
Food	\$ N/A	\$ N/A
Clothing	\$ N/A	\$ N/A
Laundry and dry-cleaning	\$ N/A	\$ N/A
Medical and dental expenses	\$ N/A	\$ N/A

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

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? N/A

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? N/A

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.

See attached statement.

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

Executed on: 9th day of October, 2019



(Signature)

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

I, Sergei Kovalev, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I am providing additional explanations as following.

Explanations for Questions 1, 2, and 8:

I am performing religious services and religious work for Int. Church of Et. Revival; without any form of salary. This form of uncompensated religious service is a "religious calling" (uncompensated religious service) that is not falling under the definition of "employment" ("employment" is a condition of being paid for the work). The Church is not paying any salary or wages to me. Church is only paying directly basic life-sustaining expenses, such as clothes, utilities, transportation and similar.

Explanations for Question 5:

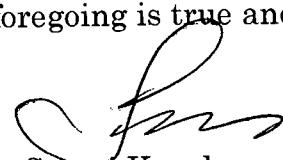
My name appears in public record in reference to three low valued religious properties that are representing three Church buildings (used and controlled by the Church). These properties are exclusively controlled and used by the Church for Church's affairs (Ecclesiastical Properties). The Church is not paying to me any compensation or rent for the use of these properties (neither any other entity). The Church possesses the right to use, control, and enjoy in unrestricted manner such real estate and Church is the equitable owner controlling these religious properties. I cannot obtain any money from any real estate where the Church is equitable owner, I cannot rent anything, cannot sell anything, cannot mortgage anything, neither can obtain any form of financing for such real estate that exclusively controlled by the Church (and the Church would not be giving such permissions). Approximate value of the one religious property should be about \$49,000 (used and controlled by the Church), another adjoining very small property should be valued about \$19,000 (used and controlled by the Church), and the third property is used as my residence (Religious Parsonage that is also controlled by the Church) and the value of that property in 2009 was placed in the Phila. Court of Common Pleas as \$59,000. All properties have signs indicating the Church name. Because of facts stated, I cannot assign to me any value for real estate exclusively controlled and used by the Church.

My name appears on the title for one automobile (below average condition), 2005 Suzuki Forenza, that has approximate value around \$600. Because the Church funds were used for the purchase of this automobile, the Church is the actual owner of this automobile. Accordingly, I cannot assign to me any value of this automobile.

I also have a financial obligation in the amount of \$195,000 (if at any future point of time I will be able to possess any monies sufficient to cover such obligation).

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

Executed on October 9, 2019.



Sergei Kovalev
Petitioner

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

SERGEI KOVALEV : CIVIL ACTION
v. :
: No. 16-6380
: :
CITY OF PHILADELPHIA, *et al.* : :

FILED DEC 14 2016

ORDER

AND NOW, this 14th day of December 2016, upon Motion and Statements in support of Request to Proceed *in forma pauperis* (ECF Doc. No. 1) and upon finding Plaintiff is unable to pre-pay the filing fees and costs, it is ORDERED:

1. Plaintiff's Motion (ECF doc. No. 1) is GRANTED and he may proceed *in forma pauperis*.
2. The Complaint is to be filed and the summonses issued.
3. The United States Marshal for the Eastern District of Pennsylvania shall serve the summons and Complaint upon Defendants at no cost to the Plaintiff.


KEARNEY, J.

ENTERED
DEC 14 2016
CLERK OF COURT