

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA
OCTOBER TERM 2019

GIAM NGUYEN,
ANNA BAGOUMIAN, and
DONOVAN SIMMONS

PETITIONERS

VS.

UNITED STATES OF AMERICA

RESPONDENT

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JOINT MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

TO THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

COME NOW GIAM NGUYEN, ANNA BAGOUMIAN AND DONOVAN SIMMONS, through their counsel, STANLEY G. SCHNEIDER, SHAUN KHOJAYAN AND DAVID ADLER, and pursuant to SUP. CT. R. 39.1, files this joint motion for leave to proceed *in forma pauperis* and in support thereof, would show the Court as follows:

I.

Petitioners cannot afford to pay the fees and costs of filing a petition for writ of certiorari in this Court.

II.

Petitioners are indigent. Petitioners are incarcerated in the Federal Bureau of Prisons, and have been continuously confined since they surrendered to serve their

sentences. Petitioners have no job and no funds. They cannot pay the cost of printing and they cannot pay the filing fee for a petition for writ of certiorari. Attached hereto is Nguyen's affidavit of indigency required by SUP. CT. R. 39.1.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for leave to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Stanley G. Schneider
Stanley G. Schneider
Schneider & McKinney, P.C.
Texas Bar No. 17790500
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above petition and its attachments was served on the Respondent by mailing it to the Solicitor General of the United States, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Room 5614, Washington, DC 20530-0001, on this 18th day of October, 2019.

/s/ Stanley G. Schneider
Stanley G. Schneider

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

I, GIAM NGUYEN, 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>7.92</u> | \$ <u>N/A</u> | \$ <u>7.92</u> | \$ <u>N/A</u> |
| Self-employment | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Income from real property (such as rental income) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Interest and dividends | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Gifts | \$ <u>20.00</u> | \$ <u>N/A</u> | \$ <u>20.00</u> | \$ <u>N/A</u> |
| Alimony | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Child Support | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Disability (such as social security, insurance payments) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Unemployment payments | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Public-assistance (such as welfare) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Other (specify): _____ | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Total monthly income: | \$ <u>27.92</u> | \$ <u>N/A</u> | \$ <u>27.92</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 | Address | Dates of Employment | Gross monthly pay |
|-------------------------|---|---------------------|-------------------|
| Bureau of Prisons (BOP) | USP Pollock PO Box 2099 Pollock, LA 71467 | 12/2016 | \$ 7.92 |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

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? \$ 26.00
 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 |
|---|-----------------|------------------------|
| BOP account | \$ 26.00 | \$ 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 _____

Other real estate
 Value _____

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

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

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 |
|---------------------------------------|--------------------|----------------------------|
| <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</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>N/A</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) 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 | \$ <u>0</u> | \$ <u>N/A</u> |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ <u>0</u> | \$ _____ |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ _____ |
| Food | \$ <u>0</u> | \$ _____ |
| Clothing | \$ <u>0</u> | \$ _____ |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ _____ |
| Medical and dental expenses | \$ <u>0</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:

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

*I have no other assets or source of income other than
7.92/month paid by the Bureau of Prison*

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

Executed on: 9/27, 2019



(Signature)

| | You | Your spouse |
|---|------------------------|--------------------|
| Transportation (not including motor vehicle payments) | \$ <u>0</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ _____ |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>0</u> | \$ _____ |
| Life | \$ <u>0</u> | \$ _____ |
| Health | \$ <u>0</u> | \$ _____ |
| Motor Vehicle | \$ <u>0</u> | \$ _____ |
| Other: _____ | \$ <u>0</u> | \$ _____ |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>0</u> | \$ _____ |
| Installment payments | | |
| Motor Vehicle | \$ <u>0</u> | \$ _____ |
| Credit card(s) | \$ <u>0</u> | \$ _____ |
| Department store(s) | \$ <u>0</u> | \$ _____ |
| Other: <u>Student loan</u> | \$ <u>1,500</u> | \$ _____ |
| Alimony, maintenance, and support paid to others | \$ <u>0</u> | \$ _____ |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>0</u> | \$ _____ |
| Other (specify): _____ | \$ <u>0</u> | \$ _____ |
| Total monthly expenses: | \$ <u>1,500</u> | \$ <u>✓</u> |

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2019

ANNA BAGOUMIAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Petitioner, Anna Bagoumian, pursuant to Rule 39, asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed in forma pauperis. Petitioner is indigent and counsel is representing her pro bono on this Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. Leave to proceed in forma pauperis was not sought before in any other court.

Date: October 18, 2018

Respectfully submitted,

/s/ Shaun Khojayan
Shaun Khojayan
Attorney for Petitioner Bagoumian
515 S. Flower St., 19th FL
Los Angeles, CA 90071

DECLARATION IN SUPPORT OF MOTION
LEAVE TO PROCEED IN FORMA PAUPERIS

1. I, Shaun Khojayan, Attorney at Law, represented petitioner, Anna Bagoumian, at her sentencing in the Southern District of Texas and on appeal to the United States Court of Appeals for the Fifth Circuit. I was retained by her family for that work. Ms. Bagoumian, who was and remains indigent, was represented by appointed counsel, Thomas Berg, before her family retained me. My retention did not include a Petition for Writ of Certiorari. I am admitted to practice before the Supreme Court of the United States.

2. Ms. Bagoumian has been in custody since her sentencing and remains indigent. Thus, I am representing her pro bono on this Petition for Writ of Certiorari. Because she is in custody in Alabama, I am unable to obtain a separate notarized form from her attesting to her indigent status. I request that she be allowed to proceed without prepayment of costs and to proceed in forma pauperis.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2019.

/s/ Shaun Khojayan
Declarant

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

DONOVAN SIMMONS,
Petitioner.

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the United
States Court of Appeals for the Fifth Circuit

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Pursuant to Rule 39 and 18 U.S.C. § 3006A(d)(7), Petitioner Donovan Simmons asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed *in forma pauperis*. Petitioner was represented by retained counsel at trial but is now indigent and requests he be allowed to proceed without payment of costs. He is joining the petition for writ of certiorari filed by co-defendant Nguyen.

Date: October 18, 2018

Respectfully submitted,

/s/ David Adler

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