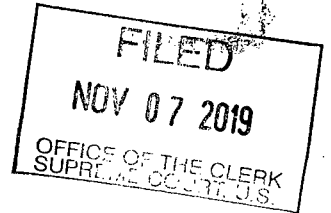


19-6548
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Johar Moraw Raver — PETITIONER
(Your Name)

VS. National Portrait Gallery
The U.S.A. Smithsonian — RESPONDENT(S)
Director Kim Sajet 66 M.

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):

The District Court for the District of Columbia
The Court of Appeals for the District of Columbia Circuit

☐ 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: U.S. Code § 1915

_____, or

☐ a copy of the order of appointment is appended.

Johar Raver
(Signature)

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

I, JULIAN MARCUS PALEN, 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</u>	\$ <u>1860.00</u>	\$ _____	\$ <u>3600</u>
Self-employment	\$ <u>2038</u>	\$ _____	\$ <u>? SEE ATTACHMENT</u>	\$ _____
Income from real property (such as rental income)	(\$ <u>1200.00</u> SINCE 10.1.19)	\$ _____	\$ <u>1200.00</u>	\$ _____
Interest and dividends	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Gifts	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Alimony	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Child Support	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Disability (such as social security, insurance payments)	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Unemployment payments	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Public-assistance (such as welfare)	\$ _____	\$ _____ (IN N.Y.)	\$ _____	\$ _____
Other (specify): <u>Food Stamp</u>	\$ _____	\$ <u>600.00</u>	\$ _____	\$ <u>?</u>
Total monthly income:	\$ <u>2038</u>	\$ <u>2460.00</u>	\$ _____	\$ <u>3600.00</u>

* RENTAL STARTED
10.1.19 SEE
ATTACHMENT *

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>Self</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>CALVARY BAPTIST CHRISTIAN</u>	<u>6811 Beulah St.</u>	<u>August 12, 2019 -</u>	<u>\$ 3700.00</u>
<u>ELMIRA CITY SCHOOL DISTRICT</u>			<u>\$ Please see attachment</u>
<u>Substitute Teacher</u>			\$

4. How much cash do you and your spouse have? \$ As of Nov 4th, 2019 left the \$500.00
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
<u>Checking Personal</u>	\$ <u>48.35</u>	\$ <u>340.80</u>
<u>Checking Savings</u>	\$ <u>19.93</u>	\$ <u>—</u>
<u>Savings -</u>	\$ <u>10.00</u>	\$ <u>5.00</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 \$147.000

☒ Other real estate
Value \$45.000

☐ Motor Vehicle #1 Dodge Ram 1500
Year, make & model 1996 - Pickup
Value \$2000.00

☒ Motor Vehicle #2 2004 Buick Rendezvous
Year, make & model —
Value \$2800.00

☒ Other assets
Description Nissan Saturn, 2010 - \$2000.00 (Gift)
Value \$3000.00 * We were given the car in October 2019 *

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

\$ _____
\$ _____
\$ _____

\$ _____
\$ _____
\$ _____

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
Johanna Raver	Daughter	19
V. R.	Daughter	17
J. R.	Son	15

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)	\$ 1600.00	\$ 1900.00
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 308.00	\$ 350.00
Home maintenance (repairs and upkeep)	\$ —	\$ —
Food	\$ 400(?)	\$ 600(?)
Clothing	\$ —	\$ —
Laundry and dry-cleaning	\$ —	\$ —
Medical and dental expenses	\$ —	Recent medical Bill out of Pocket \$500.00 of credit.

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>—</u>	\$ <u>—</u> <i>\$69.00 (INTEREST)</i>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ <u>12.00</u>
Life	\$ <u>31.00</u>	\$ _____
Health	\$ <u>—</u>	\$ <u>—</u>
Motor Vehicle	\$ <u>150</u>	\$ <u>150</u>
Other: _____	\$ <u>—</u>	\$ <u>—</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Commercial Building +</u>	\$ <u>440.00</u>	\$ <u>300.00</u>
<i>Back Taxes</i> →		<i>Home</i>
Installment payments		
Motor Vehicle	\$ <u>—</u>	\$ <u>—</u>
Credit card(s)	\$ <u>170.00</u>	\$ <u>25.00</u>
Department store(s)	\$ <u>—</u>	\$ <u>—</u>
Other: _____	\$ <u>—</u>	\$ <u>—</u>
Alimony, maintenance, and support paid to others	\$ <u>—</u>	\$ <u>—</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>See attached</u>	\$ <u>—</u>
Other (specify): <u>GAS</u>	\$ <u>150</u>	\$ <u>150.00</u>
Total monthly expenses:	\$ <u>3211.00</u>	\$ <u>3236.00</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.

maybe

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: Monday Nov 4th, 2019


(Signature)

No: _____

In the Supreme Court of the United States

Julian Marcus Raven

Petitioner

v

The U.S.A., &

The Smithsonian Institution's National Portrait Gallery,

Director Kim Sajet, Dr. Richard Kurin, Chief Curator Brandon Brame Fortune

Smithsonian Spokesperson Linda St. Thomas

The Smithsonian Board of Regents in 2016/2017

Chief Justice John G. Roberts Jr., Vice President Michael R. Pence, Senator John Boozeman

Senator Patrick Leahy, Senator David Purdue, Rep. Xavier Becerra, Rep. Tom Cole

Rep. Sam Johnson, Mrs. Barbara M. Barret, Mr. Steve Case, Mr. John Fahey, Mrs. Shirley Ann Jackson, Mr. Robert P. Kogod, Mrs. Risa J. Lavizzo-Mourey, Mr. Michael M. Lynton, Mr. John W. McCarter, Jr., Mr. David M. Rubenstein

Respondents

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

PETITION FOR A WRIT OF CERTIORARI

Julian Marcus Raven, 'pro se'

P.O. Box 2111

Springfield VA

22152-0111

703-715-7308

julianmarcusraven@gmail.com

November 7th, 2019

QUESTIONS PRESENTED

1. What is the precise entity status definition of the Smithsonian Institution?
“The question before us today is unanswered...” *Lebron v. National Railroad Passenger Corporation*, 513 U.S. 374, 394 (1995)
2. Is the Smithsonian Institution a private institution and a public trust merely run by the Federal Government as trustee to carry out the will of the testator James Smithson or is the Smithsonian Institution an agency of the Federal Government in its execution of a governmental objective with federal funding by its exercise of constituted ‘government speech’ power derived from the electorate?
3. Whether the actions of the Federal Government and its officers when acting as trustee of the will of James Smithson and its expression through the bureau of the Smithsonian National Portrait Gallery are constrained by the 1st Amendment’s free speech clause to the United States Constitution in their selection and acceptance of portraiture voluntarily submitted by an artist to the gallery? 20 USC 75b(a) 75e(1)
4. As a result of the correct Smithsonian Institution’s entity status being defined by the Supreme Court, the question remains as to what type of public free speech forum is the Smithsonian Institution’s National Portrait Gallery?
5. Whether the Federal Government’s actions when acting as trustee of the Smithson trust or any trust are subject to the common law of trusts expressed in either the Uniform Trust Code for the District of Columbia or the Restatement of Trusts and thus constitute breaches of fiduciary duty when violated?
6. Whether the District Court ruling attributing ‘government speech’ powers derived from the electorate to the Smithsonian Board of Regents comprised of elected officials from the executive and legislative branches and the Chief Justice of the Supreme Court violates the Separation of Powers doctrine in the United States Constitution?
7. Whether damages under the Supreme Court created Bivens remedy for constitutional torts committed by federal officers can be recovered by applying Bivens to the 1st Amendment’s preeminent Free Speech clause, 5th Amendment’s Due Process clause and the Equal Protection clause in the United States Constitution?
8. Whether the lower courts denied Petitioner as a ‘pro se’ litigant ‘reasonable accommodations’ by denying Petitioner his right to amend his complaint with breach of trust claims was an abuse of discretion by both the District Court and Court of Appeals?