

19-6598  
No. \_\_\_\_\_

Supreme Court, U.S.

FILED

AUG 13 2019

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

ROBERT HERCENBERGER — PETITIONER  
(Your Name)

VS.

GARY A. MARTIN — 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):

Oregon Court of Appeal, Oregon Circuit Court of Washington County.

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

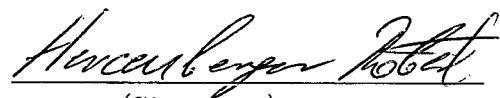
Petitioner's affidavit or declaration in support of this motion is attached hereto.

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.

  
(Signature)

**ORIGINAL**

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

I, ROBERT HERCENBERGER, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ <u>0</u>	\$ <u>don't know</u>	\$ <u>0</u>	\$ <u>don't know</u>
Self-employment (such as rental income)	\$ <u>0</u>	\$ <u>don't know</u>	\$ <u>0</u>	\$ <u>don't know</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>          </u>	\$ <u>          </u>	\$ <u>          </u>	\$ <u>          </u>
<b>Total monthly income:</b>	\$ <u>0</u>	\$ <u>don't know</u>	\$ <u>0</u>	\$ <u>don't know</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>self employed</u>	<u>_____</u>	<u>last date Aug.2016</u>	<u>\$ _____</u> <u>\$ in 2016 (\$ 7000)</u> <u>\$ _____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</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>OHSU hospital</u>	<u>Portland OR</u>	<u>2005- June 2018</u>	<u>\$ around 2700</u> <u>\$ _____</u> <u>\$ _____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
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
<u>On Point Bank</u>	<u>Checking</u>	<u>\$ 18.72</u>	<u>\$ don't know</u>
<u>_____</u>	<u>_____</u>	<u>\$ _____</u>	<u>\$ _____</u>
<u>_____</u>	<u>_____</u>	<u>\$ _____</u>	<u>\$ _____</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 \$420.000 \_\_\_\_\_

Other real estate  
Value none \_\_\_\_\_

Motor Vehicle #1  
Year, make & model 2012 VW Jetta \_\_\_\_\_  
Value \$ 7000 (broke down)

Motor Vehicle #2  
Year, make & model 98 Chev. Malibu \_\_\_\_\_  
Value \$ 600

Other assets  
Description We never married . I am on the street 3 ½ years homeless. She is in the house and I have no knowledge about her assets.  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
_____	\$ none _____	\$ I don't know _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
E	son	16
_____	_____	_____
_____	_____	_____

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0 _____	\$ 1540 _____
Are real estate taxes included? <input checked="" type="checkbox"/> Yes		
Is property insurance included? <input checked="" type="checkbox"/> Yes		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0 _____	\$ don't know _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ don't know _____
Food	\$ 0 _____	\$ don't know _____
Clothing	\$ 0 _____	\$ don't know _____
Laundry and dry-cleaning	\$ 10 _____	\$ don't know _____
Medical and dental expenses	\$ 0 _____	\$ don't know _____

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? \_\_\_\_\_

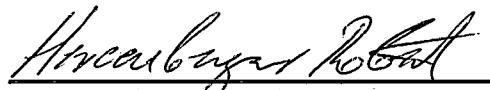
If yes, state the person's name, address, and telephone number:

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

Because I am homeless and had surgery in 2018, living in my car.  
I can not even walk like before. And as homeless to find a job is very hard.

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

Executed on: Oct. 14. 2019.

  
\_\_\_\_\_  
Robert Hercenberger

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments) Recreation, entertainment, newspapers,	\$ 60	<u>\$ don't know</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's Life	\$ 0	\$ 0
Health	\$ 0	<u>\$ around 100</u>
Motor Vehicle	\$ 65	<u>\$ don't know</u>
Other: _____	\$ none	<u>\$ don't know</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	<u>\$ don't know</u>
Credit card(s)	\$ none	<u>\$ don't know</u>
Department store(s)	\$ none	<u>\$ don't know</u>
Other: _____	\$ none	<u>\$ don't know</u>
Alimony, maintenance, and support paid to others	\$ none	<u>\$ none</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0
<b>Total monthly expenses:</b>	<b>\$ 125</b>	<u>\$ don't know</u>