

No. \_\_\_\_\_

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**In the**  
**Supreme Court of the United States**

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**OBAYDUL HOQUE BHUIYAN**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit**

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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**Counsel for Petitioner**

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The Petitioner, Obaydul Hoque Bhuiyan, asks leave to file the attached Petition for Writ of Certiorari without prepayment of costs, and to proceed *in forma pauperis*.

As shown in Petitioner's Affidavit, a true and correct copy of which is attached hereto, Petitioner is presently living in Bangladesh with his wife and infant son, making a living raising chickens, from the income of which he is able to meet his monthly expenses but little else.

Leave to proceed *in forma pauperis* was not sought in any other court. The undersigned has represented Petitioner on a *pro bono* basis in all proceedings in this matter to date.

Respectfully submitted this 4<sup>th</sup> day of December, 2019.

*/s/ Joseph E. Horey*

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JOSEPH E. HOREY

Regd No. 23 Date 12-03-2019

No. \_\_\_\_\_

**Supreme Court of the United States**



**OBAYDUL HOQUE BHUIYAN,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

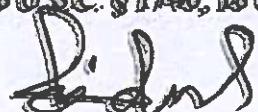
**Respondent.**

**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit**

**AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)



Signed: OBAYDUL HOQUE BHUIYAN Date: 12-03-2019

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

## ACKNOWLEDGMENT

This Affidavit Accompanying Motion for Leave to Proceed In Forma Pauperis was subscribed before me, a Notary Public in and for the whole of Bangladesh, this date by Obaydul Hoque Bhuiyan.

Date: 12 - 03 - 2019

Shahdat Hossain Chowdhury  
Advocate & Notary Public  
For the whole of Bangladesh  
Government of Bangladesh  
Sonargaon Law House  
North of D.C. Court Building  
1st Floor, Narayanganj  
Bangladesh

12 - 03 - 2019



solemnly declared and

Affirmed before me

by OBAYDUL HOQUE BHUIYAN  
duly identified

Mr. ..... Advocate

Reg No. 23 Date 12, 03, 2019

### Instructions

1. Please read the instructions in this application and fill in the form accurately. Do not leave any blanks in the application. If any question is not applicable, write "N/A," "None," or "Not Applicable" in the space provided for that question. If you do not understand any question, please ask the Notary Public for an explanation of the question.

12 - 03 - 2019

Shahdat Hossain Chowdhury  
Advocate & Notary Public  
For the whole of Bangladesh  
Government of Bangladesh  
Sonargaon Law House  
North of D.C. Court Building  
1st Floor, Narayanganj  
Bangladesh

12 - 03 - 2019

The question present by my petition is:

What *prima facie* showing is it necessary and sufficient for a plaintiff to make, in order to establish the existence of a private-party analogue supporting government liability under the Federal Tort Claims Act?

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  | \$0        | \$0                        | \$0        |
| Self-employment  | \$200  | \$0        | \$0                        | \$0        |
| Income from real property (such as rental income)                    | \$0  | \$0        | \$0                        | \$0        |
| Interest and dividends   | \$0  | \$0        | \$0                        | \$0        |
| Gifts  | \$0  | \$0        | \$0                        | \$0        |
| Alimony  | \$0  | \$0        | \$0                        | \$0        |
| Child support  | \$0  | \$0        | \$0                        | \$0        |
| Retirement (such as social security, pensions, annuities, insurance) | \$0  | \$0        | \$0                        | \$0        |
| Disability (such as social security, insurance payments)             | \$0  | \$0        | \$0                        | \$0        |
| Unemployment payments  | \$0  | \$0        | \$0                        | \$0        |
| Public-assistance (such as welfare)                                  | \$0  | \$0        | \$0                        | \$0        |
| Other (specify):   | \$0  | \$0        | \$0                        | \$0        |
| <b>Total monthly income:</b>   | <b>\$200</b>                                     | <b>\$0</b> | <b>\$0</b>                 | <b>\$0</b> |

2. List your 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 |
|----------|-------------------------|---------------------|-------------------|
| Self     | Narayangonj, Bangladesh | 2015-present        | \$200             |
|          |                         |                     | \$                |
|          |                         |                     | \$                |

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 |
|----------|---------|---------------------|-------------------|
| None     | N/A     | N/A                 | \$0               |
|          |         |                     | \$                |
|          |         |                     | \$                |

4. How much cash do you and your spouse have? \$200

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 has |
|-----------------------|-----------------|-----------------|------------------------|
| None                  | N/A             | \$0             | \$0                    |
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

| Home             | Other real estate | Motor vehicle #1 |
|------------------|-------------------|------------------|
| (Value) \$45,000 | (Value) \$30,000  | None             |
|                  |                   | Make and year:   |
|                  |                   | Model:           |
|                  |                   | Registration #:  |

Note: I own this property jointly with my four brothers and five sisters.

| Motor vehicle #2 | Other assets | Other assets |
|------------------|--------------|--------------|
| None             | (Value) \$0  | (Value) \$0  |
| Make and year:   |              |              |
| Model:           |              |              |
| Registration #:  |              |              |

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 |
|---------------------------------------|--------------------|----------------------------|
| None                                  | \$0                | \$0                        |
|                                       | \$                 | \$                         |
|                                       | \$                 | \$                         |
|                                       | \$                 | \$                         |

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

| Name [or, if under 18, initials only] | Relationship | Age |
|---------------------------------------|--------------|-----|
| Sadnan Bhuiyan                        | son          | 1   |
|                                       |              |     |
|                                       |              |     |

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, semiannually, 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): None<br>Are real estate taxes included? N/A<br>Is property insurance included? N/A | \$0        | \$0                |
| Utilities (electricity, heating fuel, water, sewer, and telephone)   | \$10       | \$0                |
| Home maintenance (repairs and upkeep)  | \$10       | \$0                |
| Food   | \$100      | \$0                |
| Clothing   | \$0        | \$0                |
| Laundry and dry-cleaning   | \$0        | \$0                |
| Medical and dental expenses  | \$0        | \$0                |
| Transportation (not including motor vehicle payments)  | \$0        | \$0                |
| Recreation, entertainment, newspapers, magazines, etc.   | \$0        | \$0                |
| Insurance (not deducted from wages or included in mortgage payments)   |            |                    |
| Homeowner's or renter's:   | \$0        | \$0                |
| Life:  | \$0        | \$0                |
| Health:  | \$0        | \$0                |
| Motor vehicle:   | \$0        | \$0                |
| Other:   | \$0        | \$0                |
| Taxes (not deducted from wages or included in mortgage payments) (specify):  | \$0        | \$0                |
| Installment payments   |            |                    |
| Motor Vehicle:   | \$0        | \$0                |
| Credit card (name):  | \$0        | \$0                |
| Department store (name):   | \$0        | \$0                |
| Other:   | \$0        | \$0                |

|  |              |            |
|--|--------------|------------|
| Alimony, maintenance, and support paid to others                               | \$0          | \$0        |
| Regular expenses for operation of business, profession, or farm (chicken feed) | \$50         | \$0        |
| Other (specify):   | \$0          | \$0        |
| <b>Total monthly expenses:</b>   | <b>\$170</b> | <b>\$0</b> |

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 [ x ] No                    If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? [ ] Yes [x ] No*

*If yes, how much?*    N/A

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

I have made my living raising chickens in Bangladesh since my return here in 2015. Especially with my wife and infant son to care for, I do not have disposable income with which I could pay either the appeal fees or the cost of printing the petition.

12. *State the city and state of your legal residence.*

Narayangonj, Bangladesh

*Your daytime phone number:* (88) 01913479551

*Your age:* 48                    *Your years of schooling:* 15

*Last four digits of your social-security number:* 0868