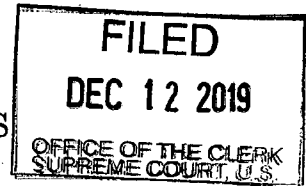


No. 19-6993

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Augustus Larry Lundy — PETITIONER
(Your Name)

VS.

Warden Toney et al 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):

☐ 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.

Augustus Lundy
(Signature)
RECEIVED
DEC 17 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

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

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>NA</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 2
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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

☐ Home NA
Value _____

☐ Other real estate NA
Value _____

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

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

☐ Other assets NA
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

NA
\$
\$
\$

\$
\$
\$

\$
\$
\$

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

NA
NA
NA

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? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

\$ 2

\$ NA

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$

\$

Home maintenance (repairs and upkeep)

\$

\$

Food

\$

\$

Clothing

\$

\$

Laundry and dry-cleaning

\$

\$

Medical and dental expenses

\$ 2

\$ 2

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>2</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>2</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 declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 12th, 2019

Augustus Jurof 249202
(Signature)

IN THE UNITED STATES SUPREME COURT

AUGUSTUS LARRY LUNDY
PETITIONER
V
WARDEN TONEY
STATE OF ALABAMA et...al
RESPONDENT

CASE NO: _____
(TO BE ASSIGNED BY THE CLERK)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

AUGUSTUS LARRY LUNDY
AIS #249202
Limestone Correctional Facility
28779 Nick Davis Road
Harvest, Alabama 35749

Comes now Augustus Larry Lundy pro se and submits his Motion For Leave To Proceed In Forma Pauperis to file and prosecute his Petition For The Original Writ of Habeas Corpus pursuant to 28 U.S.C. §1651(a) and §2254(a) of the United States Code and submits the following in support of the granting of this motion.

1) Lundy is an incarcerated and indigent prisoner in the State of Alabama prison system. As such Lundy receives no income for the performance of any institutional job assignments he may be assigned to.

2) Lundy owns no property, stocks or bonds or other property that could be liquidated to pay for the costs of filing and prosecuting his writ in this Honorable Court. Lundy is indigent and a pauper.

3) This Original Writ of Habeas Corpus is concerned with the refusal by the State and Eleventh Circuit Court of Appeals to properly and fairly entertain and or adjudicate his prior filings in those respective courts, in their Administration of the Law in an improper and unconstitutional manner.

4) Due to these actions Lundy finds that the only available avenue for relief is to file and prosecute this Petition For Original Writ of Habeas Corpus, seeking relief from a manifest injustice.

5) Lundy submits attached to the Motion For Leave To Proceed in Forma Pauperis the completed In Forma Pauperis Application Form as required by this Honorable Court. Seeking that this Honorable Court will grant him leave to proceed in forma pauperis in this instant case.

Respectfully submitted this the 12th day of December 2019.

Augustus Larry Lundy 249202

Augustus Larry Lundy AIS #249202

Limestone Correctional Facility

28779 Nick Davis Road

Harvest, Alabama 35749

CERTIFICATE OF SERVICE UNDER PENALTY OF PERJURY

I Augustus Larry Lundy hereby certify under under penalty of perjury that the information in the foregoing is true and correct to the best of my knowledge and belief and that I am on this the 12th day of December 2019 serving a copy of the same upon all parties involved by placing a copy of the same in the Institutional Legal Mail System postage prepaid properly addressed.

Augustus Larry Lundy 249202

Augustus Larry Lundy AIS #249202

Clerk of the Court
United States Supreme Court
Washington D.C. 20543

Attorney General
State of Alabama
501 Washington Ave.
Montgomery Al. 36130