

19-7174
No.

IN THE SUPREME COURT OF THE UNITED STATES

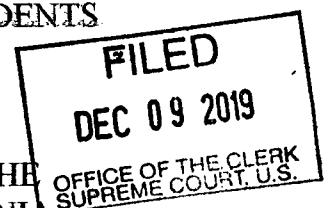
ESTATE OF PATRICIA STEWART, Deceased,

JOHN H. STEWART - PETITIONER

vs.

ORIGINAL

MICHAEL DOWNEY, As Administrator, et al. - RESPONDENTS



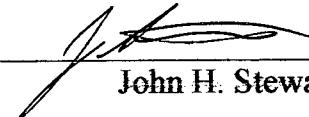
ON PETITION FOR A WRIT OF CERTIORARI TO THE
FIRST DISTRICT COURT OF APPEAL OF CALIFORNIA

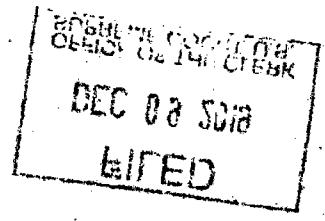
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner John H. Stewart asks leave to file the petition for a writ of certiorari, submitted herewith, without prepayment of costs, and to proceed *in forma pauperis*.

[X] Petitioner has previously been granted leave to proceed in forma pauperis in the following courts: Superior Court of California for the County of Humboldt, and the California First District Court of Appeal.

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


John H. Stewart



RECORDED
OFFICE OF THE CLERK
DEC 08 2018
FILED

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

I, John H. Stewart, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u> </u>
Self-employment	\$ <u>1171</u>	\$ <u> </u>	\$ <u>1171</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Interest and dividends	\$ <u>0.60</u>	\$ <u> </u>	\$ <u>0.60</u>	\$ <u> </u>
Gifts	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Alimony	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Child Support	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Unemployment payments	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Other (specify):	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Total monthly income:	\$1172	\$ <u> </u>	\$ <u>1172</u>	\$ <u> </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
self employed	<u>17 Coral Point</u> <u>Shelter Cove CA</u>	<u>Since April 2008</u>	\$ <u>1171</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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 36.00

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
Bank _____	checking _____	\$ <u>2601.70</u>	\$ _____
Brokerage _____	retirement sav. _____	\$ <u>24,924.00</u>	\$ _____
PayPal _____	personal _____	\$ <u>21.47</u>	\$ _____

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

<input type="checkbox"/> Home Value \$ _____	<input type="checkbox"/> Other real estate Value \$ _____
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model <u>1999 Subaru Legacy</u> Value \$ <u>500.00 (estimated)</u>	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value \$ _____
<input checked="" type="checkbox"/> Other assets Description computer and printer _____ Value \$ <u>500 (estimated)</u>	

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
--	---------------------------	-----------------------------------

Nancy Malen	\$ 35,000	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ <u>950.00</u>	\$ _____
Are real estate taxes included? [] Yes [X] No		
Is property insurance included? [] Yes [X] No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>325.00</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>10.00</u>	\$ _____
Food	\$ <u>300.00</u>	\$ _____
Clothing	\$ <u>20.00</u>	\$ _____
Laundry and dry-cleaning	\$ <u>10.00</u>	\$ _____
Medical and dental expenses	\$ <u>200.00</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>190.00</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>89.00</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): <u>IRS SSA and FTB</u>	\$ <u>105.00</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card(s)	\$ <u>110.00</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: student loans _____	\$ <u>71.17</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement): Bar dues per month	\$ <u>34.40</u>	\$ _____
Other (specify): <u>internet</u>	\$ <u>80.00</u>	\$ _____
Total monthly expenses:	\$ 2494.57	\$ _____

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? \$96.00 per hour.

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

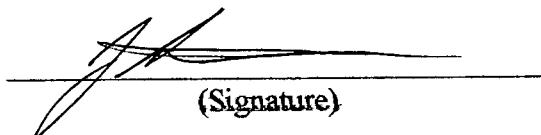
James Lampert, (Licensed Legal Document Assistant)
867 Redwood Drive, Suite B
Garberville, CA 95542
(707) 923-4372

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

Virtually everything my wife and I ever owned has been seized by the pendente lite grantees to whom she purportedly deeded our home, farm and vineyards, for about half of what we paid for that property, at a time she was insolvent and incompetent, due to the advanced MS which led to her death a few weeks after she signed the deed. I am in debt over \$200,000 largely due to my deceased wife's medical bills, IRS claims, credit card debt, and fees owed to my former attorney. All property listed in Exhibit 10 to the dissolution judgment remains in the possession of the pendente lite grantees who took sole possession of Petitioner's home and land the day Patricia Lean Stewart died.. I was told on December 6, 2019 by a licensed mechanic that the head gasket on my 20 year old car has blown and I cannot live here without a running vehicle.

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

Executed on: December 7, 2019 at Whitethorn, California.


(Signature)