

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

=====

RAFAEL BEIER,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

=====

MOTION TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Title 28, United States Code, § 1915(a) and Rule 39 of this Court, Applicant, Rafael Beier, asks for leave to file the Petition for Writ of Certiorari to the Ninth Circuit Court of Appeals without prepayment of fees or costs *in forma pauperis*.

Petitioner is represented by the undersigned retained counsel. Petitioner has executed the attached declaration.

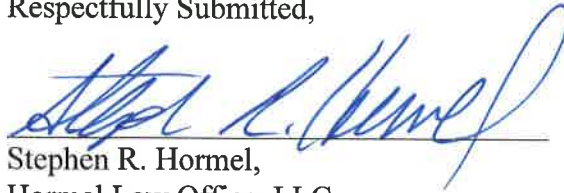
Petitioner has not previously sought appointment of counsel in any other courts in this matter. Petitioner's son, who resides in Lewiston, Idaho, has paid all legal fees, including expenses, during this counsel's representation on Petitioner's behalf. Petitioner has been incarcerated since May 2016 on this matter, and has not been employed since his incarceration.

Therefore, it is requested that the Court grant leave to file the Petition for Writ of Certiorari without prepayment of fees or costs *in forma pauperis*.

I declare under penalty of perjury under the laws of the United States of American, the foregoing is true and correct.

Dated this 30th day of December, 2019.

Respectfully Submitted,



Stephen R. Hormel,
Hormel Law Office, LLC
17722 East Sprague Avenue
Spokane Valley, WA 99016
Telephone: (509) 926-5177
Facsimile: (509) 926-4318

Attorney for Beier

United States Supreme Court

Form 4. Motion and Affidavit for Permission to Proceed in Forma Pauperis

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form04instructions.pdf>

9th Cir. Case Number(s)

Case Name

Affidavit in support of motion: I swear under penalty of perjury that I am financially unable to pay the docket and filing fees for my appeal. I believe my appeal has merit. I swear 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.

Signature Date

The court may grant a motion to proceed in forma pauperis if you show that you cannot pay the filing fees **and** you have a non-frivolous legal issue on appeal. Please state your issues on appeal. (*attach additional pages if necessary*)

See Questions Presented in Petition for Writ of Ceriorari

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

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	\$
Self-Employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and Dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment Payments	\$ 0	\$	\$ 0	\$
Public-Assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify) Commissary Funds	\$ 150	\$	\$ 0	\$
TOTAL MONTHLY INCOME:	\$ 150	\$	\$	\$

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
Not employed in the last two years due to incarceration		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	

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
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	
		From <input type="text"/>	\$ <input type="text"/>
		To <input type="text"/>	

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

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 Has
US Bank	Checking	\$ 400	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

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 furnishing.

Home	Value	Other Real Estate	Value
<input type="text"/>	\$ <input type="text"/>	<input type="text"/>	\$ 0 <input type="text"/>

Motor Vehicle 1: Make & Year	Model	Registration #	Value
2007 Chevy - inoperable	Avalanche	<input type="text"/>	\$ 2,000
Motor Vehicle 2: Make & Year	Model	Registration #	Value
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>

Other Assets	Value
Undeveloped real property in Saint Maries, Idaho	\$ 60,000
	\$
	\$

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

Person owing you or your spouse	Amount owed to you	Amount owed to your spouse
	\$ 0	\$
	\$ 0	\$
	\$ 0	\$

7. State the persons who rely on you or your spouse for support. If a dependent is a minor, list only the initials and not the full name.

Name	Relationship	Age
Angel Beier	Daughter	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, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$
- Are real estate taxes included? <input type="radio"/> Yes <input type="radio"/> No		
- Is property insurance included? <input type="radio"/> Yes <input type="radio"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$
Home maintenance (repairs and upkeep)	\$ 0	\$
Food	\$ 0	\$
Clothing	\$ 0	\$
Laundry and dry-cleaning	\$ 0	\$
Medical and dental expenses	\$ 0	\$
Transportation (not including motor vehicle payments)	\$ 0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)		
- Homeowner's or renter's	\$ 0	\$
- Life	\$ 0	\$
- Health	\$ 0	\$
- Motor Vehicle	\$ 0	\$
- Other Per month commissary	\$ 150	\$
Taxes (not deducted from wages or included in mortgage payments)		
Specify	\$	\$

	You	Spouse
Installment payments		
- Motor Vehicle	\$ 0	\$
- Credit Card (name) <input type="text"/>	\$ 0	\$
- Department Store (name) <input type="text"/>	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for the operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify) <input type="text"/>	\$ 0	\$
TOTAL MONTHLY EXPENSES	\$ 0	\$

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 spent—or will you be spending—any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No

If Yes, how much? \$

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

I am divorced and do not have any assets with my ex-wife. My son, Branden Beier has been paying my legal fees. I do not have the funds to pay legal fees. I do not have the funds to pay the filing fee nor the costs of printing for the petition to the Supreme Court. I request that the Court permit me to proceed in forma pauperis.

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

City State

Your daytime phone number (ex., 415-355-8000)

Your age Your years of schooling