

No. _____

19-7267

IN THE
SUPREME COURT OF THE UNITED STATES

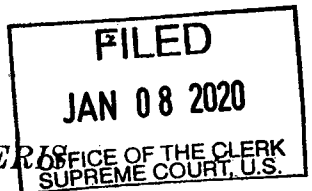
Piper Lakay Ellis Snowton

(Your Name)

United States of America, VS.
ET.AL.

ORIGINAL

— 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*.

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

In the united states District Court Northern District of Texas Dallas Division

In the united states court of Appeals for the Fifth Circuit

☐ 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.

1-8-20 Piper Lakay Ellis Snowton
(Signature)
pro se

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

I, Piper Lakay Ellis Snowton, 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	\$_____	\$_____	\$_____	\$_____
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)	\$ <u>\$800.00</u>	\$_____	\$_____	\$_____
Unemployment payments	\$_____	\$_____	\$_____	\$_____
Public-assistance (such as welfare)	\$_____	\$_____	\$_____	\$_____
Other (specify): _____	\$_____	\$_____	\$_____	\$_____
Total monthly income:	\$ <u>\$800.00</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
			\$ 0
			\$ 0
			\$ 0

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
			\$ 0
			\$ 0
			\$ 0

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
		\$ 0	\$ 0
		\$ 0	\$ 0
		\$ 0	\$ 0

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

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model 0
Value 0

☐ Motor Vehicle #2
Year, make & model 0
Value 0

☐ Other assets
Description 0
Value 0

1-8-20 Papu Lalay & Co. Inc.
pro se

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
_____	\$ <u>0</u>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name 0	Relationship 0	Age 0
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>\$450.00</u>	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>100/00</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>200.00</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>20/00</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 20.00	\$
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: cell Phone	\$ 50.00	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify):	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 0	\$
Credit card(s)	\$ 0	\$
Department store(s)	\$ 0	\$
Other:	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify):	\$ 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 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: January 8, 2020

Cupin Lakay Eltes Snow
(Signature) mo se

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PIPER LAKAY ELLIS SNOWTON,

Plaintiff,

V.

UNITED STATES OF AMERICA, ET.
AL.,

Defendants.

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§
§
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§
§
§

No. 3:18-cv-2900-S-BN

**ORDER GRANTING MOTION TO PROCEED *IN FORMA PAUPERIS* AND
DENYING WITHOUT PREJUDICE MOTION TO APPOINT COUNSEL**

Plaintiff Piper Lakay Ellis Snowton brings this *pro se* action under the Federal Tort Claims Act ("FTCA"). Her action has been referred to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference from United States District Judge Karen Gren Scholer.

Ms. Snowton moves for leave to proceed *in forma pauperis* ("IFP"), *see* Dkt. No. 5, and for court-appointed counsel, *see* Dkt. No. 6.

I. IFP

Under the provisions of 28 U.S.C. § 1915, the Court GRANTS Ms. Snowton permission to proceed IFP in this Court until judgment is entered herein. But service of process shall not issue, if at all, until the Court completes its screening of the complaint under 28 U.S.C. § 1915(e)(2)(B).

II. Court-appointed counsel

"There is no absolute right to an attorney in [civil] cases," *Nickols v. Morris*, 705

F. Supp. 2d 579, 584 (N.D. Tex. 2010), which means that a *pro se* plaintiff, “even if demonstrably indigent, is not entitled to appointed counsel as a matter of right,” *Naranjo v. Thompson*, 809 F.3d 793, 799 (5th Cir. 2015) (citing *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982)).

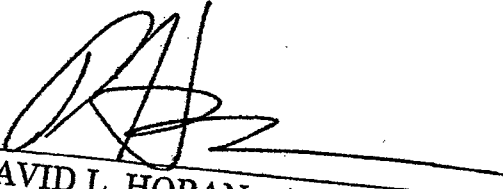
Although the Court has statutory authority to appoint counsel to represent an indigent person in the prosecution of a suit under 28 U.S.C. § 1915(e)(1), that authority is typically exercised only in “exceptional circumstances,” *Jackson v. Dallas Police Dep’t*, 811 F.2d 260, 261 (5th Cir. 1986); *see also Naranjo*, 809 F.3d at 799 (“even when a plaintiff has nonfrivolous ... claims, a trial court is not required to appoint counsel ... unless the case presents exceptional circumstances” (quoting *Ulmer*, 691 F.2d at 212)); *Jemison v. Citimortgage, Inc.*, Civ. A. No. H-13-2475, 2013 WL 12140971, at *1 (S.D. Tex. Oct. 7, 2013) (“A court may appoint counsel in a civil case if exceptional circumstances make it necessary for the proper administration of justice.” (citing *Ulmer*, 691 F.2d at 212-13)).

Ms. Snowton – whose motion [Dkt. No. 6] fails to adequately explain why her FTCA action qualifies as the rare case in which a claim is not only nonfrivolous but also complex and in which those characteristics of a claim, along with the characteristics of the litigant, warrant the appointment of counsel – has not shown that exceptional circumstances require the appointment of counsel under Section 1915(e)(1) at this time, prior to screening of her complaint by the Court under Section 1915(e)(2)(B), *see, e.g., Steinmetz v. U.S. Congress*, No. CV 07-41 BLGRFC, 2007 WL 1576721, at *1 (D. Mont. May 30, 2007) (concluding that the magistrate judge “properly

conducted preliminary screening of this lawsuit prior to appointing counsel").
The Court therefore DENIES the motion to appoint counsel [Dkt. No. 6] without
prejudice.

SO ORDERED.

DATED: November 2, 2018



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE