

NO. 19-7283

IN THE  
SUPREME COURT OF THE  
UNITED STATES

ORIGINAL

FAIRLY W. EARLS,  
PETITIONER-APPELLANT,  
V.  
SUSAN NOVAK,  
RESPONDENT-APPELLEE.

FILED  
JAN 03 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

MOTION TO PROCEED  
IN FORMA PAUPERIS

Pursuant to Supreme Court Rule 39 (proceeding in forma pauperis) and in compliance with Rule 21, wherein the Petitioner Fairly W. Earls seeks leave to proceed on the Writ of Certiorari in this Court in forma pauperis status.

The Petitioner is indigent and cannot pay the filing fee to commence this Action, nor does the petitioner have employment to assist on the paying of the filing fee. The Petitioner submits with this Motion a Sworn Affidavit with form 4 listing assets and debts.

Dated: 01-02-2020

Sincerely,

Fairly W. Earls  
Fairly W. Earls  
Columbia Correctional  
P.O. Box 900  
Portage, WI. 53901

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

I, Fairly W. Earls, 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>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Self-employment	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Income from real property (such as rental income)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Interest and dividends	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Gifts	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Alimony	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Child Support	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>341.00</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Unemployment payments	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Other (specify): <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
<b>Total monthly income:</b>	\$ <u>341.00</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
None	None	None	\$ None
			\$
			\$

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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
No Spouse	No Spouse	No Spouse	\$ No Spouse
			\$
			\$

4. How much cash do you and your spouse have? \$ None  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

<b>Financial institution</b>	<b>Type of account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
None	None	\$ None	\$ None
		\$	\$
		\$	\$

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

Home No  
 Value None

Other real estate None  
 Value None

Motor Vehicle #1 No  
 Year, make & model None  
 Value None

Motor Vehicle #2 No  
 Year, make & model None  
 Value None

Other assets  
 Description Release Account  
 Value 1124.00

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

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
None	\$ None	\$ None
None	\$ None	\$ None
None	\$ None	\$ None

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

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
None	None	None
None	None	None
None	None	None

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ None	\$ None
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ None	\$ None
Home maintenance (repairs and upkeep)	\$ None	\$ None
Food	\$ 70.00	\$ None
Clothing	\$ None	\$ None
Laundry and dry-cleaning	\$ None	\$ None
Medical and dental expenses	\$ None	\$ None

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ None	\$ None
Recreation, entertainment, newspapers, magazines, etc.	\$ None	\$ None
Insurance (not deducted from wages or included in mortgage payments)	\$ None	\$ None
Homeowner's or renter's	\$ None	\$ None
Life	\$ None	\$ None
Health	\$ None	\$ None
Motor Vehicle	\$ None	\$ None
Other: None		
Taxes (not deducted from wages or included in mortgage payments)	\$ None	\$ None
(specify): None		
Installment payments	\$ None	\$ None
Motor Vehicle	\$ None	\$ None
Credit card(s)	\$ None	\$ None
Department store(s)	\$ None	\$ None
Other: None		
Alimony, maintenance, and support paid to others	\$ None	\$ None
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ None	\$ None
Other (specify): None	\$ None	\$ None
Total monthly expenses:	\$ 70.00	\$ None

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? None

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

No

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? None

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

No

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

Per Institution policy the Release Account cannot be used for filing fee's, the Institution has been in lockdown for the past three months with no library or recreation time out of cells. No institution jobs and all pay for those who do work has been suspended per the DOC. The amounts listed are estimates due to the lockdown and not receiving monthly statements.

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

Executed on: 01-02, 2020

Tarie W. Davis  
(Signature)