

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2019

ANDY NGUYEN, Petitioner,

v.

STATE OF CALIFORNIA, Respondent

On Petition for Writ of Certiorari to the California Court of Appeal,
Second Appellate District, Division Three

MOTION FOR LEAVE TO FILE
IN FORMA PAUPERIS

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ANDY NGUYEN

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**MOTION FOR LEAVE TO FILE
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The petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has, on the basis of his indigence, previously been granted court-appointed counsel in the California Court of Appeal, Second Appellate District, Division Three. The petitioner's affidavit in support of this motion is attached hereto.

DATED: January 28, 2020.

Edward H. Schulman

EDWARD H. SCHULMAN

Attorney for Petitioner

ANDY NGUYEN

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**AFFIDAVIT/DECLARATION IN SUPPORT OF MOTION TO PROCEED
IN FORMA PAUPERIS**

I, ANDY NGUYEN, 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>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

You**Spouse****You****Spouse**

Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest & dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify):	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
TOTAL monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <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
	PRISON		\$ <u>0</u>
			\$ <u>0</u>
			\$ <u>0</u>
			\$ <u>0</u>

3. List your spouse's 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
<u> </u>	<u> </u>	<u> </u>	\$ <u> </u>
<u> </u>	<u> </u>	<u> </u>	\$ <u> </u>
<u> </u>	<u> </u>	<u> </u>	\$ <u> </u>

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 Institut. Type of Account Amount you have Amount your spouse has

<u>NONE</u>	<u>NONE</u>	\$ <u> </u>	\$ <u> </u>
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<u>NONE</u>	<u>NONE</u>	\$ <u> </u>	\$ <u> </u>
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5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home Value NONE

Other real estate Value NONE

Motor Vehicle #1
Year, make & model NONE
Value _____

Motor vehicle #2
Year, make & model NONE
Value _____

Other assets
Description NONE
Value _____

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

NONE

Person owing you or your spouse money	Amount owed you	Amount owed your spouse
<u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>
	\$ _____	\$ _____

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

Name	Relationship	Age
<u>NONE</u>	<u>NONE</u>	<u>NONE</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by you 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>0</u>	\$ <u>0</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental	\$ <u>0</u>	\$ <u>0</u>
Transportation (not including motor veh.)	\$ <u>0</u>	\$ <u>0</u>

You

Your spouse

Recreation, entertainment, newspapers,
magazines, etc.

\$ 0\$ 0

Insurance (not deducted from wages or
included in mortgage payments)

Homeowner's or renter's

\$ 0\$ 0

Life

\$ 0\$ 0

Health

\$ 0\$ 0

Motor Vehicle

\$ 0\$ 0Other: NONE\$ 0\$ 0

Taxes (not deducted from wages or
included in mortgage payments)
(Specify): _____

\$ 0\$ 0

Installment payments

Motor vehicle

\$ 0\$ 0

Credit card(s)

\$ 0\$ 0

Department store(s)

\$ 0\$ 0Other: NONE\$ 0\$ 0

Alimony, maintenance and support
paid to others

\$ 0\$ 0

Regular expenses for operation of
business, profession, or farm

\$ 0\$ 0

Other (specify):

\$ 0\$ 0**TOTAL MONTHLY EXPENSES:**\$ 0\$ 0

9. Do you expect any major changes to your monthly income or expenses or in
our assets or liabilities during the next 12 months?

No

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? N/A

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

N/A

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 completing of this form?

Yes No

If yes, how much? N/A

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

N/A

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

I WAS REPRESENTED BY APPOINTED COUNSEL
FOR MY JURY TRIAL AND ON MY DIRECT APPEAL.

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

Executed on JANUARY 7, 2020


Andy Nguyen
(Signature)

CDC #BI-1847
California Correctional Institution
P.O. Box 1905
Tehachapi, California
93581