

19-7597

No. 19A421

ORIGINAL

IN THE SUPREME COURT
OF THE UNITED STATES

Supreme Court, U.S.
FILED

JAN 31 2020

OFFICE OF THE CLERK

ROBERT WILLIAM WAZNEY, Petitioner,

v.

Kenneth Nelson, Warden, Respondent.

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 courts:

- South Carolina District Court,
- U.S. Court of Appeals 4th Circuit,
- U.S. Supreme Court.

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

/s/
ROBERT WILLIAM WAZNEY
Captive Petitioner
Peg se (forced)

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

I, ROBERT WILLIAM WAZNEY, 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 **caused by** the government 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 | | AMOUNT EXPECTED NEXT MONTH | |
|---------------------------|---|--------|----------------------------|--------|
| | You | Spouse | You | Spouse |
| Employment | \$ See Court Order, See Attached pp. 9-10 | \$ N/A | \$ N/A | \$ N/A |
| Self-employment | \$ | \$ N/A | \$ N/A | \$ N/A |
| Income from real property | \$ | \$ N/A | \$ N/A | \$ N/A |
| Interest and dividends | \$ | \$ N/A | \$ N/A | \$ N/A |
| gifts | \$ | \$ N/A | \$ N/A | \$ N/A |
| Alimony | \$ | \$ N/A | \$ N/A | \$ N/A |
| Child Support | \$ | \$ N/A | \$ N/A | \$ N/A |
| Retirement | \$ | \$ N/A | \$ N/A | \$ N/A |
| Disability | \$ | \$ N/A | \$ N/A | \$ N/A |
| Unemployment payments | \$ | \$ N/A | \$ N/A | \$ N/A |
| Public-assistance | \$ | \$ N/A | \$ N/A | \$ N/A |
| Other (specify): _____ | \$ | \$ N/A | \$ N/A | \$ N/A |
| TOTAL MONTHLY INCOME: | \$ | \$ N/A | \$ N/A | \$ N/A |

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 |
|----------|---------|------------------------|-------------------|
| N/A | N/A | N/A | N/A |

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 |
|----------|---------|------------------------|-------------------|
| Unknown | Unknown | Unknown | Unknown |

4. How much cash do you and your spouse have? \$ N/A

Below, state any money you or your spouse have in bank accounts or any other financial institution.

| TYPE OF ACCOUNT | AMOUNT YOU HAVE | AMOUNT YOUR SPOUSE HAS |
|-----------------|-----------------|------------------------|
| N/A | N/A | N/A |

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

[X] Home Value: N/A

[X] Other real estate Value: N/A

[X] Motor Vehicle #1 Year, make, model: N/A Value: N/A

[X] Motor Vehicle #2 Year, make, model: N/A Value: N/A

[X] Other assets description: N/A Value: N/A

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 |
|--|--------------------|----------------------------|
| JAMES C. CAMPBELL CLERK OF COURT | \$10,000,000.00 | N/A |

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names.

| NAME | RELATIONSHIP | AGE |
|------|--------------|-----|
| N/A | N/A | N/A |

8. Estimate the average monthly expenses of you and your family. Show separately the amount paid by our 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) | N/A | N/A |
| Utilities | N/A | N/A |
| Home maintenance | N/A | N/A |
| Food | N/A | N/A |
| Clothing | N/A | N/A |
| Laundry and dry-cleaning | N/A | N/A |
| Medical and dental expenses | 40 | N/A |

| | YOU | YOUR SPOUSE |
|---|--------|-------------|
| Transportation | \$ N/A | \$ N/A |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 20 | \$ N/A |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowners or renter's | \$ N/A | \$ N/A |
| Life | \$ 44 | \$ N/A |
| Health | \$ N/A | \$ N/A |
| Motor vehicle | \$ N/A | \$ N/A |
| Other: _____ | \$ N/A | \$ N/A |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ N/A | \$ N/A |
| Installment payments | | |
| Motor Vehicle | \$ N/A | \$ N/A |
| Credit card(s) | \$ N/A | \$ N/A |
| Department Store(s) | \$ N/A | \$ N/A |
| Other: _____ | \$ N/A | \$ N/A |
| Alimony, maintenance, and support paid to others | \$ N/A | \$ N/A |
| Regular expenses for operation of business, profession, or farm (attached detailed statement) | \$ N/A | \$ N/A |
| Other: Legal supplies to fight misconviction and 20% to Federal Appellate Court | \$ 200 | \$ N/A |
| TOTAL MONTHLY EXPENSES: | \$ 304 | \$ N/A |

Affidavit or Declaration In Support of
Motion for Leave to Proceed In Forma Pauperis

- Answer to Question #12 - WHY I CANNOT PAY THE COSTS OF THIS CASE

I have been denied or cannot enforce in the courts of South Carolina a right under law providing for the equal civil rights of citizens of the United States, or within the jurisdiction thereof; and for acts under color of authority derived from laws providing for equal rights, and or for refusing to do such act on the ground that it is inconsistent with such laws, where government officials have obstructed and continue to obstruct my legitimate efforts to seek judicial redress and government officials have obstructed and continue to obstruct my access to court which has rendered my state court remedies impossible. The Court has inappropriately incurred pre-trial freezing of my legitimate untainted assets as a criminal defendant [See, Sumter Fam.Ct. No. 2015DR430046 ORDER Jan.20, 2015] (attached pp.9-10) and which has effected my misconviction and my poverty. I served indigent claim papers (IFP) upon JAMES C. CAMPBELL CLERK OF COURT (Clerk), Clerk ignored my IFP papers--failing to file them with the Court--at least seven (7) different times [See, S.C.Dist.Ct. Complaints, 6:18-2610-HMH, et al.] thwarting vindication of my claims and affecting the law of the case where I sent more than twenty (20) Motions [Id.] to the Court which Clerk did not file with Court because Clerk did not follow State statutory law involving matters of indigency. South Carolina State Code of Law § 8-21-320. I complained about Clerk etc. to the County Court (Judge Taylor) by serving the County Court (Judge Taylor) directly but those papers were rejected by County Court's administrative assistant who returned my claims and forbid any further communication with the

Court [see, S.C. Sup. Ct. No. 2019-000585]; effecting no access to Court. Government officials have so far departed from the accepted and usual course of judicial proceedings and have obstructed my legitimate efforts to seek judicial redress of my grievances where I was left no option but to bring those no court access claims to South Carolina Supreme Court, with such material prejudice to my rights and matters which cannot be determined in the lower court; but South Carolina Supreme Court denied those claims. See, ORDER dated October 8, 2019 S.C. Supreme Court 2019-001424 / 2018-001730.

The Sumter County Judicial Center is the only way I can access my property (money) to obtain counsel for defense from my criminal charges, my criminal misconviction, appeals, PCR, false imprisonment, asset protection, divorce, trial, et al. Government has taken my private property for public use and has not paid me due compensation for that property, and has left me with no means to access the Court for redress of such grievance. I am not an attorney, nor do I understand the practice or science of law, I am unsure how to apply the Rules of Court like a trained practitioner would. With malfeasance of Clerk and forbidden Court access, I am left with no means at all to petition for a redress of grievances, and which redress of grievances I am entitled to. U.S. Const. Amends. I, V, XIV, Art. 4, § 2, cl. 1.

PREMISES CONSIDERED, I cannot pay the costs of this case. In support of my claims I declare under penalty of perjury the foregoing is true and correct.

January 31, 2019.

/s/
ROBERT WILLIAM WANEY
Captive Petitioner Pro se (forced)

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.

Release from prison.

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 I had my money (property) the State froze

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 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? : 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.

See attached pp. 6-7

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

Executed on: January 31, 2010

ROBERT WILLIAM WAZNEY

Petitioner Indigent Pro se (forced)

RECORDED

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT OF THE
2015 JAN 20 AM 11:59 THIRD JUDICIAL CIRCUIT

COUNTY OF SUMTER THIRD JUDICIAL CIRCUIT
Docket No.: 2015-DR-43-40

Sharon Renee Wazney, CLERK OF COURT
SUMTER COUNTY SC

Plaintiff,) **ORDER FOR**
) **EX PARTE / EMERGENCY HEARING**

V.

Robert William Wazney,

Defendant.)

Based upon a review of the Complaint and supporting Affidavit of the Plaintiff, it is apparent that there is a need for an emergency hearing as this involves the parties' assets and debts. Due to the severity of the criminal charges and the multiple counts of each charge, there is a necessity of a Restraining Order against the Defendant from disposing of any assets currently in his control, possession or name, in with the Plaintiff may have equitable interest, or from further incurring any debts in the Plaintiff's name or for which the Plaintiff is responsible. There is also a necessity of a Restraining Order against the Defendant from bothering, abusing, threatening abuse, harassing or in any fashion interfering with the Plaintiff.

I find that an emergency situation exists and an emergency hearing should be held as soon as possible waiving all statutory time/notice requirements. This Order is issued without prejudice to either party at a hearing on the merits.

NOW THEREFORE, it is

ORDERED that an emergency hearing will be scheduled for the 5th day of

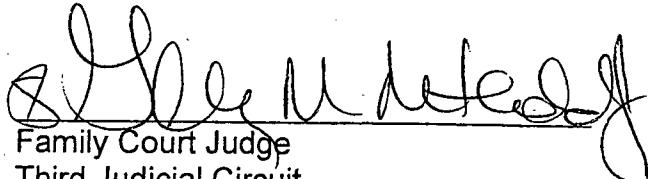
February, 2015, at 11:00 o'clock a.m./p.m., at the Sumter County Family Court, 205 North Harvin Street, Sumter, South Carolina. It is further,

9-OF-10

ORDERED that the Defendant be restrained from disposing of any assets currently in his control, possession or name, in with the Plaintiff may have equitable interest, or from further incurring any debts in the Plaintiff's name or for which the Plaintiff is responsible. It is further,

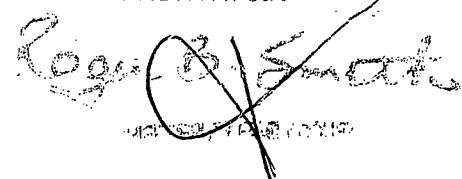
ORDERED that the Defendant be restrained from bothering, abusing, threatening abuse, harassing or in any fashion interfering with the Plaintiff. It is further,

AND, IT IS SO ORDERED!


Family Court Judge
Third Judicial Circuit

Santee, South Carolina
1/20, 2015

ATTEST A TRUE COPY


REG'D BY CLERK
1/20/2015