

20-5529

CASE NO.

IN THE
SUPREME COURT
OF THE
UNITED STATES

ORIGINAL

HERMAN BERNARD
APPELLANT, PRO SE



VS.

LORIE DAVIS
DIRECTOR.
APPELLEE, TDCJ-CD.

MOTION FOR LEAVE TO
PROCEED IN FORMA PUPERIS

HERMAN BERNARD
TDCJ-CD, #1712727
L'E Blane Unit
3695 FM 3514
BEAUMONT, TEXAS
77705

HERMAN BERNARD
APPELLANT, PROSE

VS.

LORIE DAVIS
DIRECTOR, TDCS-PED.
APPRELLE.

IN THE

Supreme Court

DF THz

UNITED STATES

CONDITIONS FOR LEAVE TO PROSECUTE
IN FORMA PAUPERIS

TO THE HONORABLE JUDGES OF SAID
COURT:

COMES now, Hermane Bernard, Appellant Pro se
and respectfully moves this court for
leave to proceed in forma pauperis under
Supreme Court Rule 39. Motion filed
pursuant to Supreme Court Rule 21.

and--- would show the Court the following:

Appellant sought permission to proceed in forma pauperis in the United States District Court for the Eastern District of Texas Beaumont Division.

THE MOTION TO PROCEED IN FORMA PAUPERIS
WAS GRANTED.

Herman Bernard, IDEJ #1712727 Declares
THAT I AM UNABLE TO PAY THE COURT COST OR
FEES IN THIS ACTION AND REQUESTS LEAVE
OF THE COURT TO PROCEED IN FORMA
PAUPERIS IN THIS ACCOMPANYING
ACTION. APPELLANT MEETS THE INDIGENCY
REQUIREMENTS OF 28 U.S.C. § 1915.

PRAYER

WHEREFORE, PREMISES CONSIDERED,
APPELLANT PRAYS THAT THE COURT GRANT
THIS MOTION TO PROCEED IN FORMA
PAUPERIS IN THIS CAUSE.

RESPECTFULLY SUBMITTED.

Herman Bernard July 23, 2020
Herman Bernard, IDEJ no. 1712727, Prose

Declaration

I, Herman Bernard, TDCJ-ID. no. 1712727,
PRESENTLY INCARCERATED AT THE
LeBlanc Unit OF TDCJ-CID. DO HEREBY
DECLARE UNDER PENALTY OF PERJURY
AND IN COMPLIANCE WITH 28 U.S.C. § 1746,
THAT THE FOREGOING MOTION FOR
LEAVE TO PROCEED IN FORMA PAUPERIS
IS TRUE AND CORRECT.

EXECUTED ON THIS 23rd Day of
July, 2020.

Herman Bernard
Herman Bernard, TDCJ no. 1712727, PROSE

CERTIFICATE OF SERVICE

A TRUE AND CORRECT COPY OF THE ABOVE
AND FOREGOING HAS BEEN SERVED BY
PLACING IT IN THE UNITED STATES
MAIL, POSTAGE PREPAID. ON,

July 23, 2020.

ADDRESSED TO:

KATE E. WALKER
ASSISTANT ATTORNEY GENERAL
P.O. BOX 12548, CAPITAL STATION
AUSTIN, TEXAS 78711

Herman Bernard July 23, 2020
Herman Bernard, I.D.S. no. 1712727, Pro se

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

I, Herman Bernard, 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>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Self-employment	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Income from real property (such as rental income)	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Interest and dividends	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Gifts	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Alimony	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Child Support	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Disability (such as social security, insurance payments)	\$ <u>12/00</u>	\$ <u>792.00</u>	\$ <u>12/00</u>	\$ <u>792.00</u>
Unemployment payments	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Public-assistance (such as welfare)	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>	\$ <u>12/00</u>
Other (specify): <u>Brother</u>	\$ <u>.30 00</u>	\$ <u>12/00</u>	\$ <u>not Known</u>	\$ <u>12/00</u>
Total monthly income:	\$ <u>.30 00</u>	\$ <u>792.00</u>	\$ <u>60.00</u>	\$ <u>792.00</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
nu/va	nu/va	nu/va	\$ nu/va
			\$
			\$

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
nu/va	nu/va	nu/va	\$ nu/va
			\$
			\$

4. How much cash do you and your spouse have? \$ nu/va

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
nu/va	nu/va	\$ nu/va	\$ nu/va

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

Home

Value nu/va

Other real estate

Value nu/va

Motor Vehicle #1

Year, make & model 2006 Impala. Env.

Value 500.00

Motor Vehicle #2

Year, make & model nu/va

Value _____

Other assets

Description nu/va

Value _____

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>Mr. J. S.</u>	\$ <u>Mr. J. S.</u>	\$ <u>Mr. J. S.</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

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

Name	Relationship	Age
hui/wa	hui/wa	hui/wa

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>111/12</u>	\$ <u>400.00</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>111/12</u>	\$ <u>200.00</u>
Home maintenance (repairs and upkeep)	\$ <u>111/12</u>	\$ <u>RENT</u>
Food	\$ <u>111/12</u>	\$ <u>ASSISTANCE</u>
Clothing	\$ <u>111/12</u>	\$ <u>111/12</u>
Laundry and dry-cleaning	\$ <u>111/12</u>	\$ <u>50.00</u>
Medical and dental expenses	\$ <u>111/12</u>	\$ <u>ASSISTANCE</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 41.2	\$ 100.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 41.2	\$ 41.2
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 41.2	\$ 41.2
Life	\$ 41.2	\$ 30.00
Health	\$ 41.2	\$ 4.00 assistance
Motor Vehicle	\$ 41.2	\$ 150.00
Other: _____	\$ 41.2	\$ 41.2
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 41.2	\$ 41.2
Installment payments		
Motor Vehicle	\$ 41.2	\$ 41.2
Credit card(s)	\$ 41.2	\$ 41.2
Department store(s)	\$ 41.2	\$ 41.2
Other: _____	\$ 41.2	\$ 41.2
Alimony, maintenance, and support paid to others	\$ 41.2	\$ 41.2
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 41.2	\$ 41.2
Other (specify): _____	\$ 41.2	\$ _____
Total monthly expenses:	\$ 41.2	\$ 780.00

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.

my wife is unable to work and I just never know
when I might receive any thing from other family.
There is never any persistence to receiving money.

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

Executed on: August 14th, 2020

Thomas Baeza
(Signature)

CSINIB02/CINIB02 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 07/23/20 (2)
 370P/JT00088 IN-FORMA-PAUPERIS DATA 09:04:10
 TDCJ#: 01712727 SID#: 02762736 LOCATION: LEBLANC INDIGENT DTE:
 NAME: BENARD, HERMAN BEGINNING PERIOD: 01/01/20
 PREVIOUS TDCJ NUMBERS:
 CURRENT BAL: 30.93 TOT HOLD AMT: 0.00 3MTH TOT DEP: 185.00
 6MTH DEP: 295.00 6MTH AVG BAL: 25.55 6MTH AVG DEP: 49.17
 MONTH HIGHEST BALANCE TOTAL DEPOSITS MONTH HIGHEST BALANCE TOTAL DEPOSITS
 06/20 88.95 30.00 03/20 50.05 50.00
 05/20 114.30 120.00 02/20 10.20 10.00
 04/20 35.05 35.00 01/20 50.00 50.00

STATE OF TEXAS COUNTY OF *Jefferson*
 ON THIS THE *23* DAY OF *July*, *2020* I CERTIFY THAT THIS DOCUMENT IS A TRUE,
 COMPLETE, AND UNALTERED COPY MADE BY ME OF INFORMATION CONTAINED IN THE
 COMPUTER DATABASE REGARDING THE OFFENDER'S ACCOUNT. NP SIG: *Joseph*
 PF1-HELP PF3-END ENTER NEXT TDCJ NUMBER: _____ OR SID NUMBER: _____

