

20-6546

IN THE SUPREME COURT OF THE UNITED STATES

JOHN C. NIMMER,

Case No. 20-

Petitioner,

Vs.

HON. MICHAEL G. HEAVICAN,  
Chief Justice  
of the Nebraska Supreme Court  
in his official capacity;

HON. STEPHANIE F. STACY, Justice  
of the Nebraska Supreme Court  
in her official capacity;

HON. LINDSEY MILLER-LERMAN,  
Justice of the Nebraska Supreme Court  
in her official capacity;

HON. WILLIAM B. CASSEL, Justice  
of the Nebraska Supreme Court  
in his official capacity;

HON. JONATHAN J. PAPIK, Justice  
of the Nebraska Supreme Court  
in his official capacity;

HON. JEFFREY J. FUNK, Justice  
of the Nebraska Supreme Court  
in his official capacity;

HON. JOHN R. FREUDENBERG, Justice  
of the Nebraska Supreme Court  
in his official capacity;

MARK A. WEBER, Counsel for Discipline

MOTION FOR LEAVE TO FILE  
IN FORMA PAUPERIS

(From the United States Court  
of Appeals for the Eighth  
Circuit)

Submitted by,

John C. Nimmer  
1429 S. Grandview Ave. #8  
Papillion, NE 68046  
402-345-8040  
Pro Se

in Nimmer v. Heavican, et. al, 4:18-cv-3123 (Dist. Neb) Filing 24 for purposes of appealing to the 8<sup>th</sup> Circuit (Nimmer v. Heavican, et. al, 19-2426 (8th Cir.)). Petitioner's declaration in support of this motion is attached hereto as Exhibit A.

CERTIFICATE OF FILING AND SERVICE

The undersigned certifies that on the date below he filed and served the foregoing Motion for Leave to File In Forma Pauperis and attached Declaration in Support via US mail, postage prepaid, as follows:

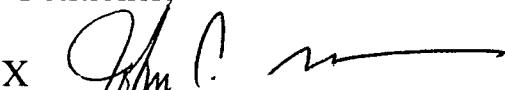
Clerk of the US Supreme Court  
Washington, DC 20543  
(Original only as per Court's  
April 15, 2020 Covid Order)

NE Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
Attn: James Smith  
(1 copy)

Dated this 13<sup>th</sup> day of August, 2020.

Respectfully Submitted,

JOHN C. NIMMER,  
Petitioner,

X 

John C. Nimmer  
1429 S. Grandview Ave. #8  
Papillion, NE 68046-5783  
402-590-9049 (new tel. #)  
Pro Se Petitioner

**DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS (Exhibit A)**

I 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? RESPONSE: \$2419.20/month (wife's job). I have been unemployed since 8/31/18.
2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)? RESPONSE: Due to my license being revoked, I have not been able to practice law since 8/31/18. Prior to that I was ill (ended up in hospitalization and amputation surgery in 9/18) and not working for a month so I had no income in 8/18.
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.)? RESPONSE: Hillcrest Health for last year (\$2419.20/month); previously for 5 years Heritage Ridge (\$2400/month).
4. How much cash do you and your spouse have? RESPONSE: \$225 Below, state any money you or your spouse have in bank accounts or in any other financial institution? RESPONSE: None
5. List the assets, and their values, which you own or your spouse own. Do not list clothing and ordinary household furnishings? RESPONSE: 2015 Hyundai Elantra (wife's car/titled in her name) \$10,000 retail value; \$13,000 owed on it.
6. State every person, business, or organization owing you or your spouse money, and the amount owed? RESPONSE: None
7. State the persons who rely on you or your spouse for support? RESPONSE: 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? RESPONSE: All paid by spouse.
  - A. Payroll Taxes \$250
  - B. Rent \$735
  - C. Car Payment \$440

D. Car Insurance \$100  
E. Phones (2) \$120  
F. Utilities \$150  
G. Gas/Car Maintenance \$150  
H. Groceries \$400  
I. Miscellaneous \$200  
Total: \$2545

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?  
RESPONSE: No

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? RESPONSE: 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? RESPONSE: Only de minimis copying and postage fees.

12. Provide any other information that will help explain why you cannot pay the costs of this case? RESPONSE: I was rushed to the hospital on 9/14/18 and diagnosed with severe diabetes and infection, resulting in a partial amputation. Basically I cannot perform any work involving prolonged standing or walking. As for other employment, I have applied for 3 to 5 jobs per week but because of the negative publicity from the 8/31/18 disbarment (reported in the Omaha World Herald and comes up on an online search) I have not been hired.

Pursuant to 28 USC 1746 the undersigned hereby declares, certifies, verifies, and states under first-hand knowledge, under oath, and under penalty of perjury under the laws of the United States of America the foregoing Declaration In Support of Motion for Leave to File In Forma Pauperis is true and correct to the best of his knowledge.

Dated this 13<sup>th</sup> day of August, 2020.

JOHN C. NIMMER,

Petitioner

X



John C. Nimmer

1429 S. Grandview Ave. #8

Papillion, NE 68046-5783

402-590-9049

Pro Se Petitioner