

20-6696 ORIGINAL
NO. 20A-

IN THE
UNITED STATES SUPREME COURT

LA VERNE KOENIG, et al.,

Applicants,

vs.-

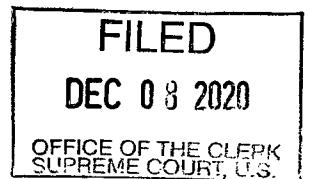
ANDREW WHEELER, ADMINISTRATOR OF
ENVIRONMENTAL PROTECTION AGENCY, et al.,

Respondents.

MOTION FOR LEAVE TO PROCEED IN FORMA
PAUPERIS

The grounds for this motion:

- 1) The federal *in forma pauperis* statute, 28 U.S.C. 1915, “ensure[s] that indigent litigants have meaningful access to the federal courts.” *Bruce v. Samuels*, 136 U. S. 627, 629 (2016) Under Section 1915(e)(1) a court may also appoint “an attorney to represent any person unable to afford counsel.” Applicants, have attempted to obtain legal assistance, consulting approximately 20 attorneys, to no avail, thus have been forced to proceed pro se.
- 2) Applicants, served and filed on April 27, 2018, upon each and every named defendant in, *Koenig v. Pruitt, et al.*, docketed under No. 1-18-cv-01169 [originally filed] in the United States District Court, District of Columbia, in compliance with State practices, procedures and rules, a Summons, Complaint, Motion for Temporary Restraining Order/Preliminary Injunction and



proposed Order, of which on May 18, 2018, the U.S. District Court, District of Columbia, thereafter *sua sponte* transferred to the United States District Court, District of North Dakota, docketed as *Koenig v. Pruitt, et al.*, No 3-18-cv-102. A number of Orders were entered, and Petition(s) for Writ of Mandamus relief filed thereto, which ultimately resulted in a final appealable order.

3) The District Court granted Applicant Motion to Proceed In Forma Pauperis, on appeal, pursuant to 28 U.S.C. Sec. 1915, to the Eighth Circuit Court of Appeals, Eighth Circuit No. 19-3723, on November 27, 2019. No appellate counsel was appointed or provided.

4) The Eighth Circuit, contrary to this Court's decision in *Coppedge v. United States*, 369 U. S. 438 (1962), without scheduling the appeal for briefing in excess of four months, thereafter on March 30, 2020, denied the appeal and represented that the motion for legal counsel was moot. A Motion for Extension of Time to Petition for Rehearing and Rehearing En Banc was filed, requesting an extension of time to May 15, 2020, due to Corid-19 virus pandemic.

5) Applicant's appeal was denied without affording the *in forma pauperis pro se* petitioner's the opportunity to brief the issues, or be heard, in any matter, as the Eighth Circuit appears to always grant an appellant, paying the filing fees and with legal counsel be been allowed to brief the issues, and permitted to be heard, before the Court would have rendered a decision.

6) The Eighth Circuit, Rule 47A(a) has an apparent "discriminatory practice" of denying pro se *in forma pauperis* appeals, without permitting briefing or the appointment of legal counsel, as required by *Coppedge, supra*, and *Bruce v. Samuels, supra*, as the District Court, in *State of North Dakota v. Koenig*, No. 3:19-CR-184, a criminal removal action, granted Applicant leave to appeal *in forma pauperis*, pursuant to 28 U.S.C. 1915, failed to appoint requested legal counsel, the Eighth Circuit, failed to appoint legal counsel and further failed to schedule a briefing, rendering a decision on November 27,

2019, which Applicants timely moved for Rehearing and Rehearing En Banc, and requested an extension of time to present said petition, which was granted, thereafter the Eighth Circuit, ultimately denied the appellant's appeal on March 30, 2020, without any form of detailed reasoning.

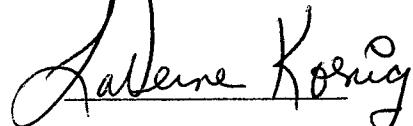
The Petition for Writ of Certiorari, which this Covid-19 virus, has foreclosed the research of the issues, due to all public research facilities, are closed, applicant does not have legal counsel to assist in that appeal Petition process. That Petition, would present important legal issues of national importance.

7) This court has held that the right to access to the courts is fundamental to our system of justice. It is the right "conservative of all other rights...Meaningful access requires representation. Where rights and responsibilities are adjudicated in the absence of representation, because of a litigants poverty, then likely so is justice, and for the same reasons." Chambers v. Baltimore & Ohio R. R. Co., 207 U. S. 142, 148 (1907).

WHEREFORE, Applicants respectfully request this Court grant in forma pauperis.

Dated this 8 day of December, 2020.

Respectfully Submitted,



La Verne Koenig
15520 Hwy 200A SE
Blanchard, ND
58009-9326
(701) 430-0096

IN THE
UNITED STATES SUPREME COURT

Laverne Koenig, et al

USCA No. 19-3723

v.

Scott Pruitt/ANDRE Wheeler et al

1-18-cv-01169
USDC No. 3-18-cv-102

**AFFIDAVIT ACCOMPANYING MOTION FOR
PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed:

Laverne Koenig

Date:

December 8, 2020

My issues on appeal are:

See attached

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$ 663 ⁰⁰	\$ —	\$ 663 ⁰⁰	\$ —
Disability (such as social security, insurance payments)	\$ —	\$ —	\$ —	\$ —
Unemployment payments	\$ —	\$ —	\$ —	\$ —
Public-assistance (such as welfare) SNAP	\$ 209	\$ —	\$ 209 —	\$ —
Other (specify): PLIEAP	\$ 300 ??	\$ —	\$ 300 ??	\$ —
Total monthly income:	\$ 1172⁰⁰	\$ — 0.00	\$ 1172⁰⁰	\$ — 0.00

2. List your 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
	Non ^c		\$ —
			\$ —

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
N/A	(No Spouse)		\$ —
			\$ —
			\$ —

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 institution	Type of account	Amount you have	Amount your spouse has
Goose River	check ^{ing}	\$ 400 ⁰⁰ +	\$ —
Union State	check ^{ing}	\$ 150 ⁰⁰	\$ —
		\$	\$ —

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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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.

Assets owned by you or your spouse		
Home (Value)	<u>Farm (w/ home)</u>	<u>appraised</u>
Other real estate (Value)		\$ <u>118,852</u>
Motor vehicle #1 (Value)		\$ <u>9000.00</u>
Make and year:	<u>Dodge 2001</u>	
Model:	<u>3500 PU</u>	
Registration #:		
Motor vehicle #2 (Value)		\$ <u>650.00</u>
Make and year:	<u>Dodge 2002</u>	
Model:	<u>Durango</u>	
Registration #:		
Other assets (Value)	<u>old farm equipment +</u>	\$ <u>6500 =</u>
Other assets (Value)	<u>Livestock</u>	\$ <u>4500.00</u>

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>NONE</u>	\$ <u></u>	\$ <u>N/A</u>
	\$ <u></u>	\$ <u></u>
	\$ <u></u>	\$ <u></u>

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

Name (or, if under 18, initials only)	Relationship	Age
<u>Self</u>	<u>Self</u>	<u>70</u>
	<u>NONE</u>	

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (including lot rented for mobile home)		
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 0	\$ N/A
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 600.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 100.00	\$ N/A
Food	\$ 300.00	\$ N/A
Clothing	\$ 50.00	\$ N/A
Laundry and dry-cleaning	\$ 50.00	\$ N/A
Medical and dental expenses	\$ 25.00	\$ N/A
Transportation (not including motor vehicle payments)	\$ 250.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 150.00	\$ N/A
Life:	\$ 0	\$ N/A
Health:	\$ 0	\$ N/A
Motor vehicle:	\$ 103.00	\$ N/A
Other:	\$ -	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$ N/A
Installment payments		
Motor vehicle: UNION State Bank \$9000.00 +	\$ 241.00	\$ N/A
Credit card (name): Best Buy Fleet Farm	\$ 100.00	\$ N/A
Department store (name):	\$ 0	\$ N/A
Other:	\$ 0	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0	\$ N/A

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Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 150.00	\$ N/A
Other (specify):	\$ —	\$ N/A
Total monthly expenses:	\$ 2120.00	\$ N/A 0.00

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 spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? Yes No

If yes, how much? \$ _____

11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.

Covid-19 has caused additional disruptions and ability to make any other income

12. Identify the city and state of your legal residence.

Blanchard North Dakota

Your daytime phone number: 701-430-0096

Your age: 70 Your years of schooling: 13+