

20-6834
No. _____

Supreme Court, U.S.
FILED

OCT 23 2020

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE
UNITED STATES

C. Holmes, MD,

Petitioner,

v.

Alex M. Azar, II,

Secretary

Of the Department of Health and Human Services (HHS),

Respondent,

MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS*

C. Holmes
P.O. Box 187
Sullivans Island, SC 29482
843.883.3010

ORIGINAL

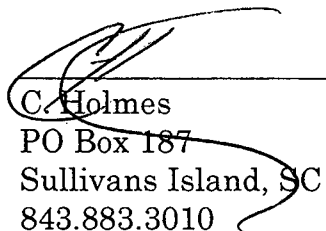
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

For substantial justice affecting substantial rights, the petitioner respectfully requests permission to proceed *in forma pauperis* (IFP) with abeyance and submits the attached Form 4, FRAP, in support of this motion. Due to the unprecedented emergency including but not limited to, the COVID-19 pandemic, a material change in circumstances supports this motion which was not sought in the case below. Because ophthalmologists require expensive equipment for thorough exams, telemedicine is not an option. Further, ophthalmology's majority of procedures are elective, which have been canceled. As a result, studies have shown that ophthalmology is one of the most adversely affected medical specialties, if not the most affected. For good cause, permission to proceed IFP is respectfully requested.

Respectfully submitted,



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Alex M. Azar, II,
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FORM 4, FRAP

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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: _____

Date: 6/1/2020

My issues on appeal are:

Pattern and practice of unlawful acts (ongoing) by Respondents in interpretation and/or application of HIPAA.

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	\$ NA	\$ NA	\$ NA	\$ NA
Self-employment	\$ 6831	\$ NA	UNKNOWN	NA
Income from real property (such as rental income)	\$ 0	\$	\$	\$
Interest and dividends	\$ 425	\$	\$	\$
Gifts	\$ 0	\$	\$	\$
Alimony	\$ 2500	\$	\$	\$
Child support	\$ 0	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$	\$
Unemployment payments	\$ 0	\$	\$	\$
Public-assistance (such as welfare)	\$ 0	\$	\$	\$
Other (specify):	\$ -	\$	\$	\$
Total monthly income:	\$ 9356	\$	UNKNOWN	\$

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
NA			\$
			\$
			\$

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
NA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 2500

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
BANK			
BANK	CHECKING	\$ 1078	\$ NA
BANK	CHECKING	\$ 4763	\$
BANK	CHECKING	\$ 1433	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, 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.

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

Home <u>undivided</u>	Other real estate <u>✓</u>	Motor vehicle #1 <u>✓</u>
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

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
RECEIVABLE	\$ 720	\$ NA
	\$	\$
	\$	\$
	\$	\$

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

Name [or, if under 18, initials only]	Relationship	Age
C. HOLMES	CHILD	20

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 (include lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ ~300	\$
Home maintenance (repairs and upkeep)	\$ ~100	\$
Food	\$ ~800	\$
Clothing	\$ ~50	\$
Laundry and dry-cleaning	\$ ~50	\$
Medical and dental expenses	\$ min.	\$ max.
Transportation (not including motor vehicle payments)	\$ ~100	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ min.	\$ max.
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0	\$
Life:	\$ 0	\$
Health:	\$ ~250	\$
Motor vehicle:	\$ 0	\$
Other:	\$ -	\$
Taxes (not deducted from wages or included in mortgage payments) (specify): BUS. PROP. ETL.	\$ ~500	\$
Installment payments		
Motor Vehicle:	\$ 0	\$
Credit card (name):	\$ 0	\$
Department store (name):	\$ 0	\$
Other:	\$ -	\$
Alimony, maintenance, and support paid to others	\$ 300	\$ EVERY
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 7388.65	\$
Other (specify):	\$ -	\$
Total monthly expenses:	\$9538	\$

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.

ADVERSE IMPACT OF COVID-19

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? ☒ Yes ☐ No

If yes, how much? \$ 200

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. PETITIONER APPEALS THE UNCONSTITUTIONAL TAKING OF INDIVIDUAL AND PROPERTY RIGHTS PURSUANT TO SC CODE SEC. 15-36-10.
12. State the city and state of your legal residence.

Your daytime phone number: (843) 883.3010

Your age: 68 Your years of schooling: MD-1644

(As amended Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 28, 2010, eff. Dec. 1, 2010; Apr. 16, 2013, eff. Dec. 1, 2013; Apr. 26, 2018, eff. Dec. 1, 2018.)