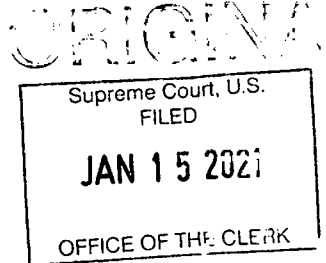


20-6945



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FEDERAL RULES OF APPELLATE PROCEDURE

Form 4

**Form 4. Affidavit Accompanying Motion for Permission to Appeal
In Forma Pauperis**

UNITED STATES DISTRICT COURT

for the

< _____ > DISTRICT OF < _____ >

<Name(s) of plaintiff(s)>

Plaintiff(s)

v.

<Name(s) of defendant(s)>

Defendant(s)

Case No. <Number>

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

Affidavit in Support of Motion

Instructions

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.)

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:

Robert White

Date:

Jan. 14, 2021

My issues on appeal are:

Whether the US Court of Appeals for the First Circuit inappropriately dismissed my appeal before briefing and in response to Appellee's motion to dismiss.

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	\$ 0	\$ na	\$ 0	\$ na
Self-employment	\$ 0	\$ na	\$ 0	\$ na
Income from real property (such as rental income)	\$ 150	\$ na	\$ 150	\$ na
Interest and dividends	\$ 0	\$ na	\$ 0	\$ na
Gifts	\$ 0	\$ na	\$ 0	\$ na
Alimony	\$ 0	\$ na	\$ 0	\$ na
Child support	\$ 0	\$ na	\$ 0	\$ na
Retirement (such as social security, pensions, annuities, insurance)	\$ 877	\$ na	\$ 877	\$ na
Disability (such as social security, insurance payments)	\$ 0	\$ na	\$ 0	\$ na
Unemployment payments	\$ 0	\$ na	\$ 0	\$ na
Public-assistance (such as welfare)	\$ 0	\$ na	\$ 0	\$ na
Other (specify): growing & selling hemp	\$ 50	\$ na	\$ 50	\$ na
Total monthly income:	\$ 1077	\$ na	\$ 1070	\$ na

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
none	na	na	\$ na
11	11	11	\$ 11
11	11	11	\$ 11

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	na	na	\$ na
''	''	''	\$ ''
''	''	''	\$ ''

4. How much cash do you and your spouse have? \$ 14.⁰⁰

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
High Plains Bank	check	\$ 495	\$ na
—	—	\$ —	\$ na
—	—	\$ —	\$ na

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	Other real estate	Motor vehicle #1
(Value) \$ 5,000	(Value) \$ 150,000	(Value) \$ 1,000
Tiny house on 200 acre homestead	200 acres grass Land.	Make and year: 2001 GMC
		Model: 1/2 ton 4WD
		Registration #: EWP 923

Motor vehicle #2 <i>none</i>	Other assets	Other assets
(Value) \$ <i>na</i>	(Value) \$ <i>500</i>	(Value) \$ <i>5,000</i>
Make and year: <i>na</i>	<i>Mechanics</i>	<i>Farm irrigation</i>
Model: <i>na</i>	<i>& construction</i>	<i>system - pump</i>
Registration #: <i>na</i>	<i>tools</i>	<i>& generator</i>

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
<i>none</i>	\$ <i>na</i>	\$ <i>na</i>
<i>''</i>	\$ <i>''</i>	\$ <i>''</i>
<i>''</i>	\$ <i>''</i>	\$ <i>''</i>
<i>''</i>	\$ <i>''</i>	\$ <i>''</i>

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

Name [or, if under 18, initials only]	Relationship	Age
<i>none</i>	<i>na</i>	<i>na</i>
<i>''</i>	<i>''</i>	<i>''</i>
<i>''</i>	<i>''</i>	<i>''</i>

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)	\$ <i>0</i>	\$ <i>na</i>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 75	\$ na
Home maintenance (repairs and upkeep)	\$ 50	\$ na
Food	\$ 300	\$ na
Clothing	\$ 25	\$ na
Laundry and dry-cleaning	\$ 35	\$ na
Medical and dental expenses	\$ 15	\$ na
Transportation (not including motor vehicle payments)	\$ 150	\$ na
Recreation, entertainment, newspapers, magazines, etc.	\$ 25	\$ na
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0	\$ na
Life:	\$ 35	\$ na
Health:	\$ 100	\$ na
Motor vehicle:	\$ 70	\$ na
Other:	\$ na	\$ na
Taxes (not deducted from wages or included in mortgage payments) (specify): <u>Property tax</u>	\$ 7.00	\$ na
Installment payments		
Motor Vehicle:	\$ 0	\$ na
Credit card (name):	\$ 0	\$ na
Department store (name):	\$ 0	\$ na
Other:	\$ 0	\$ na
Alimony, maintenance, and support paid to others	\$ 0	\$ na
Regular expenses for operation of business, profession, or farm (attach detailed statement) <u>Hemp Farming</u>	\$ 150	\$ na
Other (specify): <u>Legal</u>	\$ 25	\$ na
Total monthly expenses:	\$ 1062	\$ na

→ License, fuel, fertilizer, seed, lab test, parts, maintenance, tools, etc.

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.

I have applied for a \$75K farm loan from the USDA and expect it to be approved in two months.

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? \$ 15,000 in 2018

In 2018 I received a \$66K dividend as a creditor in the bankruptcy associated with my lawsuit which I used to retain an attorney and build my tiny house mentioned below

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am a senior citizen subsisting on a small social security income of \$877/month, of which \$100/month is deducted for MediCare. I live in a tiny house that I built on my great grandparents 1890's Oklahoma homestead which I inherited in 1973. My lifestyle is very austere and all my income only covers my bare necessities.

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

Boise City, Oklahoma 73933; although I live in the country, not town.

Your daytime phone number: (806) 683-4743

Your age: 71 Your years of schooling: 18 (BA + undergrad)

(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.)