

No. 20-7564

ORIGINAL

Supreme Court, U.S.  
FILED

MAR 08 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

Emem Upot Udoh — PETITIONER  
(Your Name)

USCA8 No. 20-2952

VS.

United States District Court, Minnesota — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Udoh v. Booley, Civil No. 16-CV-4174 (PAM/HB), Docket No. 77, July 29, 2020

Udoh v. Booley, Civil No. 16-CV-4174 (PAM/HB), November 24, 2020

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

Udoh  
(Signature)



# IN THE SUPREME COURT OF THE UNITED STATES

Emem Ufot Udoh

*Plaintiff/Petitioner*

v.

UNITED STATES DISTRICT COURT, MINNESOTA

*Defendant/Respondent*

USCA8 Appellate Case No. 20-2952

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

### Affidavit in Support of the Application

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.

Signed: \_\_\_\_\_

*Udoh*

### 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 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.

Date: \_\_\_\_\_

*March 08, 2021*

- 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 amount, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property ( <i>such as rental income</i> )	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony / Child Support	\$ 0	\$	\$ 0	\$



AO 239 (01/09; Minn. Dist. Ct. MODIFIED 10/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
<b>Total monthly income:</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 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
None	N/A	N/A	\$ 0
None	N/A	N/A	\$ 0

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
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0

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
None	N/A	\$ 0	\$
None	N/A	\$ 0	\$
None	N/A	\$ 0	\$

If you are a prisoner, you must have an authorized prison official complete the Certificate of Authorized Prison Official provided on Page 6 of this application. The certificate must be filed with this application.



AO 239 (01/09; Minn. Dist. Ct. MODIFIED 10/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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)	\$ 0
Other real estate (Value)	\$ 0
Motor vehicle #1 (Value)	\$ 0
Make and year:	N/A
Model:	
Registration #:	
Motor vehicle #2 (Value)	\$ 0
Make and year:	N/A
Model:	
Registration #:	
Other assets (Value)	\$ 0
Other assets (Value)	\$ 0

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
None	\$ 0	\$
None	\$ 0	\$
None	\$ 0	\$

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

Name (or, if under 18, initials only)	Relationship	Age
C.U.	Son	8 years
C.U.	Son	8 years



AO 239 (01/09; Minn. Dist. Ct. MODIFIED 10/09) 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 <i>(including lot rented for mobile home)</i> 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	\$ 0	\$
Utilities <i>(electricity, heating fuel, water, sewer, and telephone)</i>	\$ 10	\$
Home maintenance <i>(repairs and upkeep)</i>	\$ 0	\$
Food	\$ 40	\$
Clothing	\$ 10	\$
Laundry and dry-cleaning	\$ 10	\$
Medical and dental expenses	\$ 10	\$
Transportation <i>(not including motor vehicle payments)</i>	\$ 0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance <i>(not deducted from wages or included in mortgage payments)</i>	NIA	
Homeowner's or renter's:	\$ 0	\$
Life:	\$ 0	\$
Health:	\$ 0	\$
Motor vehicle:	\$ 0	\$
Other:	\$ 0	\$
Taxes <i>(not deducted from wages or included in mortgage payments) (specify):</i>	\$ 0	\$
Installment payments	NIA	
Motor vehicle:	\$ 0	\$
Credit card <i>(name):</i>	\$ 0	\$
Department store <i>(name):</i>	\$ 0	\$
Other:	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$



AO 239 (01/09; Minn. Dist. Ct. MODIFIED 10/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): <u>Legal stationeries, envelopes, and stamps</u>	\$ 30	\$
<b>Total monthly expenses:</b>	\$ 110.00	\$ 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 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 these proceedings.
13. Identify the city and state of your legal residence.  
Rush City, Minnesota  
 Your daytime phone number: N/A  
 Your age: N/A Your years of schooling: N/A

**Prisoners:** The following Certificate page *must* be completed by an authorized prison official and provided with this application.



The following Certificate of Authorized Prison Official must be completed and filed with a prisoner's Application to Proceed without Prepayment of Fees and Affidavit for all incarcerated applicants. See 28 U.S.C. § 1915(a)(2) (a prisoner who applies to proceed without prepayment of fees must provide a certified copy of the trust fund account statement "obtained from the appropriate official of each prison at which the prisoner is or was confined"). The information provided below will be used by the Court in determining the proper initial partial filing fee as defined under 28 U.S.C. § 1915(b).

**RECEIVED BY MAIL**

**FEB 17 2021**

**CERTIFICATE of AUTHORIZED PRISON OFFICIAL**

**CLERK, U.S. DISTRICT COURT  
DULUTH, MINNESOTA**

I, Darcie Koecher, certify that the incarcerated applicant

Udoh Emem #245042 (name of applicant) has the sum of \$ 876.05 on account to

his/her credit at MCF - Rush City (name of institution). I further certify that the

applicant named herein has the following securities to his/her credit:

Gate = \$500

I further certify that in the 6-month period immediately preceding the filing of the complaint/petition/motion or notice of appeal, the average monthly deposits to the applicant's trust fund prison account was

\$ 264.18, and the average monthly balance in the prisoner's account was

\$ 466.19.

1/19/21

DATE

Darcie Koecher

SIGNATURE OF AUTHORIZED OFFICIAL

**SCANNED**

**FEB 17 2021**

**U.S. DISTRICT COURT DULUTH**