

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

**CODY LEE HERMAN,**

*Petitioner,*

v.

**UNITED STATES OF AMERICA,**

*Respondent.*

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

Petitioner Cody Lee Herman, respectfully asks leave to file his petition for certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner encloses his affidavit of indigence in support of this motion.

Dated: February 8, 2021

/s/ Matthew M. Robinson  
Matthew M. Robinson, Esq.  
Robinson & Brandt, P.S.C.  
629 Main Street, Suite B  
Covington, KY 41011  
(859) 581-7777 voice  
(859) 581-5777 facsimile  
Counsel for Petitioner

No. 20-5618

IN THE  
SUPREME COURT OF THE UNITED STATES

Cody Lee Herman — PETITIONER  
(Your Name)

VS.

United States of America RESPONDENT(S)

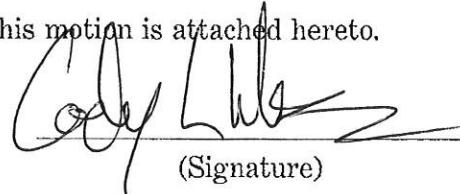
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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

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

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.

  
(Signature)

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

I, Cody Lee HERMAN, 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.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ 16,800	\$ 0	\$ 1,400
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 1,200	\$ 0	\$ 100	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ unknown	\$ 0	\$ unknown
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ unknown	\$ 0	\$ unknown
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ unknown	\$ 0	\$ unknown
Other (specify): <u>V.A Benefits \$ 8,400</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 9,600	\$ 16,800	\$ 100	\$ 1,400

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
CVS Pharmacy	Unknown	Unknown	\$ 1,400
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
USAA	Checking	\$ 0	\$ Unknown
USAA	Savings	\$ 0	\$ Unknown
_____	_____	\$ _____	\$ _____

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

Home  
Value \_\_\_\_\_

Other real estate  
Value \_\_\_\_\_

Motor Vehicle #1  
Year, make & model 2014 Chevy Silverado  
Value 12,000

Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Other assets  
Description \_\_\_\_\_  
Value \_\_\_\_\_

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
_____	\$_____	\$_____
_____	\$_____	\$_____
_____	\$_____	\$_____

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

Name	Relationship	Age
H. E. H.	Biological Daughter	12
S. P. D.	Step Son	15
_____	_____	_____

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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ 900
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)	\$ 0	\$ unknown
Home maintenance (repairs and upkeep)	\$ 0	\$ unknown
Food	\$ 0	\$ unknown
Clothing	\$ 0	\$ unknown
Laundry and dry-cleaning	\$ 0	\$ unknown
Medical and dental expenses	\$ 0	\$ unknown

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ unknown
Recreation, entertainment, newspapers, magazines, etc.	\$ 50	\$ unknown
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ unknown
Life	\$ 0	\$ unknown
Health	\$ 0	\$ unknown
Motor Vehicle	\$ 0	\$ unknown
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ unknown
Department store(s)	\$ 0	\$ unknown
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses:</b>	<b>\$ 50</b>	<b>\$ unknown</b>

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? \_\_\_\_\_

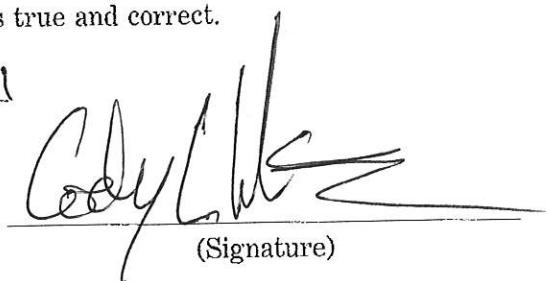
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I AM AN INMATE CONFINED TO AN INSTITUTION. THE ONLY MONEY I GET IS FROM FAMILY TO MAKE SURE I HAVE WHAT I NEED WHILE INCARCERATED.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 27 MAR 21, 2021

  
(Signature)