

No. 20-8190

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE Rickey Leon Scott — PETITIONER
(Your Name)

VS.

People of State California — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

OFFICE OF THE CLERK
SUPREME COURT, U.S.

FILED
MAY 20 2021

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):

Court of Appeals Ninth Cir Court; case no. 20-15171
U.S. DISTRICT COURT, EASTERN DIST CALIFORNIA 1:19-cv-01079

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.

Rickey Leon Scott
(Signature) RECEIVED

MAY 25 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Rickey Leon Scott, 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	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>0</u>	\$ _____	\$ _____	\$ _____

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
<i>w/it</i>			\$ _____
			\$ _____
			\$ _____

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
<i>w/it</i>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ *w/it*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
	\$ _____	\$ _____
<i>w/it</i>	\$ _____	\$ _____
	\$ _____	\$ _____

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

Home
Value *w/it*

Other real estate
Value _____

Motor Vehicle #1
Year, make & model *w/it*
Value _____

Motor Vehicle #2
Year, make & model *w/it*
Value _____

Other assets
Description *w/it*
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
<u>n/a</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>n/a</u>	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ <u>n/a</u>	\$ _____
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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

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

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

Executed on: May 19, 2021

Rickey Leon Dick
(Signature)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 10 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICKEY LEON SCOTT,
Plaintiff - Appellant,
v.
J. CHAN, Head Medical Doctor at
North Kern State Prison and
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,
Defendants - Appellees.

No. 20-15171

D.C. No. 1:19-cv-01079-DAD-JDP
U.S. District Court for Eastern
California, Fresno

ORDER

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis.

The filing of a motion to proceed in forma pauperis will automatically stay the briefing schedule under Ninth Circuit Rule 27-11.

The Clerk shall serve a Form 4 financial affidavit on appellant.

If appellant fails to comply with this order, this appeal may be dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKEY LEON SCOTT ,

1:19-CV-01079-DAD-JDP (PC)

Plaintiff,

ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS
and

vs.

and
**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS**

J. CHAN, ET AL.,

Defendant(s).

16 Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and has requested leave to
17 proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by
18 § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is
19 obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is
20 obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's
21 income credited to plaintiff's trust account. The California Department of Corrections is required to send
22 to the Clerk of the Court payments from plaintiff's account each time the amount in the account exceeds
23 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

In accordance with the above and good cause appearing therefore, IT IS HEREBY ORDERED that:

25 1. Plaintiff's application to proceed in forma pauperis is GRANTED;

26 2. **The Director of the California Department of Corrections or his designee shall collect**

27 **payments from plaintiff's prison trust account in an amount equal to twenty percent (20%) of the**

1 preceding month's income credited to the prisoner's trust account and shall forward those
2 payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in
3 accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded
4 to the Clerk of the Court. The payments shall be clearly identified by the name and case number
5 assigned to this action.

6 3. The Clerk of the Court is directed to serve a copy of this order and a copy of plaintiff's in
7 forma pauperis application on the Director of the California Department of Corrections, via the court's
8 electronic case filing system (CM/ECF).

9 4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department,
10 U.S. District Court, Eastern District of California.

11 IT IS SO ORDERED.

12 DATED: September 16, 2020

/s/ Jeremy D. Peterson
13 United States Magistrate Judge

14

15

16

17

18

19

20

21

22

23

24

25

26

27