

No. _____

 IN THE
 SUPREME COURT OF THE UNITED STATES

~~Consuelo E. Kelly Leppert~~ — 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*.

Please check the appropriate boxes:

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

~~UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI~~
~~8TH CIRCUIT COURT OF APPEALS~~

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

xxxx☐ 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.


 (Signature)

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

I, Consuelo E, Kelly-Leppert, 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	\$750.00	RETIRED AND	WE HAVE PRES	
Self-employment	\$ n/a	PRE-NUPTIAL	AGREEMENT	
Income from real property (such as rental income)	\$ n/a	\$ "	\$ "	\$ "
Interest and dividends	n/a	"	"	"
Gifts	\$ n/a	\$ "	\$ "	\$ "
Alimony	\$	\$ "	\$ "	\$ "
Child Support	\$ n/a	\$ "	\$ "	\$ "
Retirement (such as social security, pensions, annuities, insurance)	\$1940.00	\$ "	\$ "	\$ "
Disability (such as social security, insurance payments)	\$ n/a	\$ "	\$ "	\$ "
Unemployment payments	\$200.00 * \$600.00 COVID	\$ "	\$ "	\$ "
Public-assistance (such as welfare)	\$	\$ "	\$ "	\$ "
Other (specify): PART TIME	\$150.00	\$ "	\$ "	\$ "
Total monthly income:	\$3640.00	\$ "	\$ "	\$ "

*UNEMPLOYMENT AND COVID BENEFITS ARE TEMPORARY.

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
Olathe School District	14650 Blackbob	2013-present	750.00
	Olathe, Ks.		\$
			\$
			\$

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
retired	not applicable		\$
		not applicable	not applicable
			\$

- n 4. How much cash do you and your spouse have? \$ 2,000.00 checking(mine only)
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
checking	\$2,600.00	\$ not applicable
retirement only	\$ 100,000.00	\$ 100,000.00
certificate OF DEPOSIT	\$13,200.00	\$ PRE-NUPTIAL
retirement	IRA \$250,000.00	

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

☒ Home
Value \$275,000.00

☐ Other real estate
Value n/a

☒ Motor Vehicle #1 2007
Year, make & model Toyota Highlander
Value \$7,000.00

☐ Motor Vehicle #2 1997 TOYOTA
Year, make & model AVALON
Value \$1,500.00

☒ Other assets 1992 Civic Honda
Description
Value \$500.00

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
not applicable	\$ n/a	\$ n/a
	\$	\$
	\$	\$

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
none	not applicable	n/a

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 PER MONTH	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	935.00	n/a
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	450.00	PRE-NUPTIAL CONTRACT AGREEMENT \$ n/a
Home maintenance (repairs and upkeep)	685.00	\$ n/a
Food (including dog food & vet expense)	\$ 200.00	\$ n/a
Clothing	\$ 30.00	\$ n/a
Laundry and dry-cleaning	30.00	\$ n/a
Medical and dental expenses	150.00	\$ n/a
Loan against cd	200.00/month	
Car Loan	232.00/month	

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? _____ NOT APPLICABLE

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

NOT APPLICABLE

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? _____ NOT APPLICABLE

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

NOT APPLICABLE

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

Due to the care and death of spouse, plaintiff developed a heart disease and will have open heart surgery when the Covid situation IS LIFTED.

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

Executed on: 14 August, 2020

Jonathan Kelly-Spencer
(Signature)

IN THE
SUPREME COURT OF THE UNITED STATES

Consuelo E. Kelly-Leppert

(Name of Plaintiff/Petitioner)

vs.

CASE NO: _____

United States of America

(Name of Defendant/Respondent)

MOTION REQUESTING APPOINTMENT OF COUNSEL

I, the above named Plaintiff/Petitioner, do hereby swear that I am unable to pay the costs of said proceeding or give security therefor, that I believe I am entitled to redress, and that I am unable to litigate this case on my own behalf because (please explain) I AM A PRO SE LITIGANT AND REQUESTING THE COURT
TO APPOINT COUNSEL. I respectfully request the appointment of counsel.

- ☐ In support of this motion, Plaintiff/Petitioner states that I have made a diligent effort to employ counsel and contacted the following attorneys:

- ☒ In support of this motion, Plaintiff/Petitioner states that I made a diligent effort to obtain the assistance of counsel by contacting the following legal aid organizations, lawyer referral service, or *pro bono* attorneys:

Shook Hardy and Bacon from the start of the case

- ☐ I need a lawyer who can also speak in a language other than English.
Please identify which language you speak: _____

I am financially unable to hire an attorney because: _____
see attached financial data.

I understand that making this application does not excuse me from litigating my case, and that it is still my responsibility to move forward in this proceeding.

I declare that my answers to the foregoing are true and correct.

14 August 2020

(Date)

Jeanette Kelly Lopez

(Signature of Plaintiff/Petitioner)

10257 SWITZER
Overland Park, KS

66212

(Address)

IN THE APPEAL OF
CONSUELO E. KELLY

XSS 496 48 1495

IN THE CASE OF
MICHAEL J. KELLY

REMAND

Although the Board regrets the delay, it finds that additional development is still required before the issue of entitlement to service connection for the cause of the Veteran's death can be adjudicated.

The Board remanded this claim in October 2014 in part to obtain a medical opinion on the nature of the Veteran's lung cancer and, if the lungs were not found to be a primary cancer site, on whether the Veteran's rectal cancer was related to service.

A VA physician issued the requested medical opinion regarding lung cancer in November 2014. He stated that, because the Veteran had never received a lung biopsy, he could not determine whether the nodules noted in the Veteran's lungs were malignant and, if so, whether the lungs were a primary or secondary cancer site. However, due to the conditional nature of the question presented, the physician did not provide an opinion on whether the Veteran's rectal cancer was related to service. The Board finds such opinion is necessary to adequately address this case.

Additionally, the October 2014 remand instructed that any VA medical records dating since 2004 and relating to a heart condition should be associated with the claims file. However, the file contains no indication that this development was conducted. Therefore, it should be completed and documented on remand, and an appropriate medical opinion should be obtained if the records indicate that the Veteran was diagnosed with ischemic heart disease.

Finally, on remand, the appellant should be given another opportunity to complete a release form authorizing VA to obtain any treatment records created during the Veteran's brief stay at a nursing home in October 2014.

Accordingly, the case is REMANDED for the following action:

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-3525

Consuelo E. Kelly-Leppert

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:18-cv-00089-BP)

ORDER

The appellant's motion to stay the mandate is denied.

April 21, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-3525

Consuelo E. Kelly-Leppert

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:18-cv-00089-BP)

ORDER

The appellant's motion for reconsideration is denied. The appellant's motion to recall the mandate is denied.

April 23, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

CERTIFICATE OF SERVICE

I, Consuelo E. Kelly-Leppert, pro-se appellant, hereby certify that on this 14th day of August, 2020, single copy was mailed postage prepaid to the

8th Circuit Court of Appeals,

111 S. 10th St.,

St. Louis, Mo. 63102

Respectfully submitted,


Consuelo E. Kelly-Leppert

10257 Switzer

Overland Park, Ks. 66212

Tel.913-5419156