

21-5053

No. USCA11 No. 20-14714

ORIGINAL

Supreme Court, U.S.
FILED

MAY 24 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Hernando J. Vergara — 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):

Middle District of Florida

Eleventh Circuit Court of Appeals

☐ 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.

Hernando J. Vergara
(Signature)

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

I, Hernando J. Vergara, 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 | \$ 0 | \$ 0 | \$ 0 |
| Self-employment | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Income from real property (such as rental income) | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Interest and dividends | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Gifts | \$ 60 | \$ 0 | \$ 60 | \$ 0 |
| Alimony | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Child Support | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 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 | \$ 0 | \$ 0 | \$ 0 |
| Other (specify): _____ | \$ 0 | \$ 0 | \$ 60 | \$ 0 |
| Total monthly income: | \$ 60 | \$ 0 | \$ 0 | \$ 0 |

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 |
|-------------|---------|---------------------|-------------------|
| <u>none</u> | | | \$ |
| | | | \$ |
| | | | \$ |

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 |
|-------------|---------|---------------------|-------------------|
| <u>none</u> | | | \$ |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 58.87
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 |
|---|-----------------|------------------------|
| | \$ | \$ |
| <u>Inmate Trust Fund Account</u> | \$ <u>58.87</u> | \$ <u>0</u> |
| | \$ | \$ |

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

| | |
|--|--|
| <input type="checkbox"/> Home Value _____ | <input type="checkbox"/> Other real estate Value _____ |
| <input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____ | <input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____ |
| <input type="checkbox"/> Other assets Description <u>I do not have any tangible assets</u> 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>none</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>none</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>0</u> | \$ <u>0</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) | \$ <u>0</u> | \$ <u>0</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ <u>0</u> |
| Food | \$ <u>50</u> | \$ <u>0</u> |
| Clothing | \$ <u>30</u> | \$ <u>0</u> |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ <u>0</u> |
| Medical and dental expenses | \$ <u>0</u> | \$ <u>0</u> |

| | You | Your spouse |
|--|-------|-------------|
| Transportation (not including motor vehicle payments) | \$ 0 | \$ 0 |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 0 | \$ 0 |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ 0 | \$ 0 |
| Life | \$ 0 | \$ 0 |
| Health | \$ 0 | \$ 0 |
| Motor Vehicle | \$ 0 | \$ 0 |
| Other: _____ | \$ 0 | \$ 0 |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ 0 | \$ 0 |
| Installment payments | | |
| Motor Vehicle | \$ 0 | \$ 0 |
| Credit card(s) | \$ 0 | \$ 0 |
| Department store(s) | \$ 0 | \$ 0 |
| Other: _____ | \$ 0 | \$ 0 |
| 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): _____ | \$ 0 | \$ 0 |
| Total monthly expenses: | \$ 80 | \$ 0 |

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 and it takes longer to process a request to pay the filing fee than is allowed for actually paying the filing fee, if required to pay.

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

Executed on: June 21st, 2021

Humberto F. Vargan
(Signature)

Inmate Inquiry



| | | | |
|---------------|-------------------|----------------------|-----------|
| Inmate Reg #: | 20800040 | Current Institution: | Jesup FCI |
| Inmate Name: | VERGARA, HERNANDO | Housing Unit: | JES-A-A |
| Report Date: | 06/16/2021 | Living Quarters: | A01-103L |
| Report Time: | 7:39:52 AM | | |

[General Information](#) |
 [Account Balances](#) |
 [Commissary History](#) |
 [Commissary Restrictions](#) |
 [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 7140

PAC #: 342592955

Revalidation Date: 1st

FRP Participation Status: Completed

Arrived From: TAL

Transferred To:

Account Creation Date: 7/26/2016

Local Account Activation Date: 7/29/2017 3:18:07 AM

Sort Codes:

Last Account Update: 6/14/2021 12:11:38 AM

Account Status: Active

Phone Balance: \$0.00

Pre-Release Plan Information

Target Pre-Release Account Balance: \$0.00

Pre-Release Deduction %: 0%

Income Categories to Deduct From: ☒ Payroll ☒ Outside Source Funds

FRP Plan Information

| FRP Plan Type | Expected Amount | Expected Rate |
|---------------|-----------------|---------------|
|---------------|-----------------|---------------|

Account Balances

Account Balance: \$58.87

Pre-Release Balance: \$0.00

Debt Encumbrance: \$0.00

SPO Encumbrance: \$0.00

Other Encumbrances: \$0.00

Outstanding Negotiable Instruments: \$0.00

M. G. Sample
AI Counselor

Administrative Hold Balance: \$0.00
 Available Balance: \$58.87
 National 6 Months Deposits: \$820.00
 National 6 Months Withdrawals: \$824.45
 Available Funds to be considered for IFRP Payments: \$370.00
 National 6 Months Avg Daily Balance: \$103.37
 Local Max. Balance - Prev. 30 Days: \$170.02
 Average Balance - Prev. 30 Days: \$94.78

Commissary History

Purchases

Validation Period Purchases: \$56.30
 YTD Purchases: \$1,056.10
 Last Sales Date: 6/4/2021 11:14:20 AM

SPO Information

SPO's this Month: 0
 SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
 Weekly Revalidation: Yes
 Bi-Weekly Revalidation: No
 Spending Limit: \$90.00
 Expended Spending Limit: \$0.00
 Remaining Spending Limit: \$90.00

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00
 Restricted Expended Amount: \$0.00
 Restricted Remaining Spending Limit: \$0.00
 Restriction Start Date: N/A
 Restriction End Date: N/A

Item Restrictions

| List Name | List Type | Start Date | End Date | Active |
|-----------|-----------|------------|----------|--------|
|-----------|-----------|------------|----------|--------|

Comments

Comments:
