

**ORIGINAL**

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

51-5544

IN THE

SUPREME COURT OF THE UNITED STATES

THOMAS CHARLES SCOTT — PETITIONER  
(Your Name)

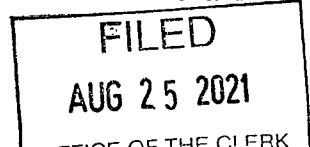
VS.

STEWART SHERMAN, et al. — 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, Eastern District of California;

United States Court of Appeals, for the Ninth Circuit.

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.

  
(Signature)

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

I, Thomas Charles 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.

| <b>Income source</b>   | <b>Average monthly amount during<br/>the past 12 months</b> |                      | <b>Amount expected<br/>next month</b> |                      |
|--|---|----------------------|---------------------------------------|----------------------|
|  | <b>You</b>  | <b>Spouse</b>        | <b>You</b>                            | <b>Spouse</b>        |
| Employment   | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Self-employment  | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Income from real property<br>(such as rental income)                       | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Interest and dividends   | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Gifts  | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Alimony  | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Child Support  | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Retirement (such as social<br>security, pensions,<br>annuities, insurance) | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Disability (such as social<br>security, insurance payments)                | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Unemployment payments  | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Public-assistance<br>(such as welfare)                                     | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| Other (specify): <u>None</u>   | \$ <u>0.00</u>  | \$ <u>N/A</u>        | \$ <u>0.00</u>                        | \$ <u>N/A</u>        |
| <b>Total monthly income:</b>   | <b>\$ <u>0.00</u></b>                                       | <b>\$ <u>N/A</u></b> | <b>\$ <u>0.00</u></b>                 | <b>\$ <u>N/A</u></b> |

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

| <b>Employer</b>            | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|----------------------------|----------------|----------------------------|--------------------------|
| <u>None (Incarcerated)</u> | <u>N/A</u>     | <u>N/A</u>                 | <u>\$ 0.00</u>           |
|                            |                |                            | <u>\$</u>                |
|                            |                |                            | <u>\$</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.)

| <b>Employer</b> | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|-----------------|----------------|----------------------------|--------------------------|
| <u>N/A</u>      | <u>N/A</u>     | <u>N/A</u>                 | <u>\$ N/A</u>            |
|                 |                |                            | <u>\$</u>                |
|                 |                |                            | <u>\$</u>                |

4. How much cash do you and your spouse have? \$ None

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

| <b>Type of account (e.g., checking or savings)</b> | <b>Amount you have</b> | <b>Amount your spouse has</b> |
|--|------------------------|-------------------------------|
| <u>None</u>  | <u>\$ 0.00</u>         | <u>\$ N/A</u>                 |
| <u>None</u>  | <u>\$ 0.00</u>         | <u>\$ N/A</u>                 |
| <u>None</u>  | <u>\$ 0.00</u>         | <u>\$ N/A</u>                 |

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

Home (None)  
Value \$0.00

Other real estate (None)  
Value \$0.00

Motor Vehicle #1 (None)  
Year, make & model N/A  
Value \$0.00

Motor Vehicle #2 (None)  
Year, make & model N/A  
Value \$0.00

Other assets (None)  
Description N/A  
Value \$0.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| <b>Person owing you or your spouse money</b> | <b>Amount owed to you</b> | <b>Amount owed to your spouse</b> |
|--|---------------------------|-----------------------------------|
| None   | \$ N/A                    | \$ N/A                            |
| None   | \$ N/A                    | \$ N/A                            |
| None   | \$ 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").

| <b>Name</b> | <b>Relationship</b> | <b>Age</b> |
|-------------|---------------------|------------|
| None        | N/A                 | N/A        |
| None        | N/A                 | N/A        |
| None        | N/A                 | 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.

|  | <b>You</b> | <b>Your spouse</b> |
|--|------------|--------------------|
| Rent or home-mortgage payment<br>(include lot rented for mobile home)                        | \$ 0.00    | \$ N/A             |
| Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A |            |                    |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A |            |                    |
| Utilities (electricity, heating fuel,<br>water, sewer, and telephone)                        | \$ 0.00    | \$ N/A             |
| Home maintenance (repairs and upkeep)  | \$ 0.00    | \$ N/A             |
| Food   | \$ 0.00    | \$ N/A             |
| Clothing   | \$ 0.00    | \$ N/A             |
| Laundry and dry-cleaning   | \$ 0.00    | \$ N/A             |
| Medical and dental expenses  | \$ 0.00    | \$ N/A             |

|   | <b>You</b>     | <b>Your spouse</b> |
|---|----------------|--------------------|
| Transportation (not including motor vehicle payments)                                       | \$ 0.00        | \$ N/A             |
| Recreation, entertainment, newspapers, magazines, etc.                                      | \$ 0.00        | \$ N/A             |
| Insurance (not deducted from wages or included in mortgage payments)                        |                |                    |
| Homeowner's or renter's   | \$ 0.00        | \$ N/A             |
| Life  | \$ 0.00        | \$ N/A             |
| Health  | \$ 0.00        | \$ N/A             |
| Motor Vehicle   | \$ 0.00        | \$ N/A             |
| Other: <u>None</u>  | \$ N/A         | \$ N/A             |
| Taxes (not deducted from wages or included in mortgage payments)                            |                |                    |
| (specify): <u>N/A</u>   | \$ N/A         | \$ N/A             |
| Installment payments  |                |                    |
| Motor Vehicle   | \$ 0.00        | \$ N/A             |
| Credit card(s)  | \$ 0.00        | \$ N/A             |
| Department store(s)   | \$ 0.00        | \$ N/A             |
| Other: <u>None</u>  | \$ N/A         | \$ N/A             |
| Alimony, maintenance, and support paid to others  | \$ 0.00        | \$ N/A             |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ 0.00        | \$ N/A             |
| Other (specify): <u>None</u>  | \$ N/A         | \$ N/A             |
| <b>Total monthly expenses:</b> <u>None</u>  | <b>\$ 0.00</b> | <b>\$ N/A</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 incarcerated person. I have been for over 10 years now. I have never had a prison job assignment with a pay-number, and my family members and friends have never sent me money.

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

Executed on: August 24, 2021



(Signature)

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS CHARLES SCOTT,

No. 2: 16-cv-1957 KJN P

Petitioner,

5

STEWARD SHERMAN, et al.,

## ORDER

### Respondents.

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Because petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner's habeas petition.

In accordance with the above, IT IS HEREBY ORDERED that:

25        1. Petitioner's motion to proceed in forma pauperis is granted;  
26        2. Respondent is directed to file a response to petitioner's habeas petition within sixty

27 days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be  
28 accompanied by all transcripts and other documents relevant to the issues presented in the

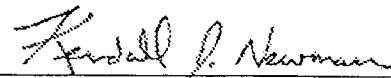
1 petition. See Rule 5, 28 U.S.C. foll. § 2254;

2       3. If the response to the habeas petition is an answer, petitioner's reply, if any, shall be  
3 filed and served within thirty days after service of the answer;

4       4. If the response to the habeas petition is a motion, petitioner's opposition or statement  
5 of non-opposition to the motion shall be filed and served within thirty days after service of the  
6 motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter;  
7 and

8       5. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed  
9 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus  
10 pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

11 Dated: August 24, 2016

12   
13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

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

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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.

| <b>Income source</b>   | <b>Average monthly amount during the past 12 months</b> |               | <b>Amount expected next month</b> |               |
|--|---|---------------|-----------------------------------|---------------|
|  | <b>You</b>  | <b>Spouse</b> | <b>You</b>                        | <b>Spouse</b> |
| Employment   | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Self-employment  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Income from real property<br>(such as rental income)                 | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Interest and dividends   | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Gifts  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Alimony  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Child Support  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Retirement (such as social security, pensions, annuities, insurance) | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Disability (such as social security, insurance payments)             | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Unemployment payments  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Public-assistance<br>(such as welfare)                               | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| Other (specify): None  | \$ 0.00   | \$ N/A        | \$ 0.00                           | \$ N/A        |
| <b>Total monthly income:</b>   | <b>\$ 0.00</b>  | <b>\$ N/A</b> | <b>\$ 0.00</b>                    | <b>\$ N/A</b> |