

No. **21-5733**

ORIGINAL

Supreme Court, U.S.
FILED

SEP 14 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ERIC WESTRY

(Your Name) — PETITIONER

VS.

VICTOR LEON
_____ — 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, District of Connecticut,

United States Court of Appeals For The Second 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 appende



(Signature)

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

I, Eric Westry, 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	\$ N/A	\$ 0	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A
Interest and dividends	\$ 0	\$ N/A	\$ 0	\$ N/A
Gifts	\$ 0	\$ N/A	\$ 0	\$ N/A
Alimony	\$ 0	\$ N/A	\$ 0	\$ N/A
Child Support	\$ 0	\$ N/A	\$ 0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ N/A	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ N/A	\$ 0	\$ N/A
Unemployment payments	\$ 1,744	\$ N/A	\$ 0	\$ N/A
Public-assistance (such as welfare)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$ 0	\$ N/A	\$ 0	\$ N/A

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
Cheshire Public Schools	29 Main Street Cheshire, CT	3/2019-10/2019	\$ 800 as substitute
1,963 Days (Five years, four months and 14 days) of lost income, career, and			\$1 livelihood as a result
of police actions in this case.			\$

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
N/A			\$
			\$
			\$

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 0	\$ N/A
	\$	\$
	\$	\$

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

N/A LOST BECAUSE OF THE DEFENDANT'S ACTIONS IN THIS CASE

<input type="checkbox"/> Home	<input type="checkbox"/> Other real estate
Value _____	Value _____

N/A LOST BECAUSE OF THE DEFENDANT'S ACTIONS IN THIS CASE

<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model _____	Year, make & model _____
Value _____	Value _____

N/A LOST BECAUSE OF THE DEFENDANT'S ACTIONS IN THIS CASE

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
N/A	\$ 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
A.E.W.	Minor Daughter	6.5

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)	\$ 630.00	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 50.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A Supt.	\$ N/A
Food	\$ 170.00	\$ N/A
Clothing	\$ 50 child	\$ N/A
Laundry and dry-cleaning	\$ 40.00	\$ N/A
Medical and dental expenses	\$ Medicaide	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0 pandemic	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ N/A.	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ N/A.	\$ N/A
Life	\$ N/A.	\$ N/A
Health	\$ Medicaide 0	\$ N/A
Motor Vehicle	\$ N/A.	\$ N/A
Other: _____	\$ N/A.	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ owed unable to pay	\$ _____
Installment payments		
Motor Vehicle	\$ N/A.	\$ N/A
Credit card(s)	\$ 27.00	\$ N/A
Department store(s)	\$ N/A.	\$ N/A
Other: _____	\$ N/A.	\$ N/A
Alimony, maintenance, and support paid to others	\$ 5 years owed	\$ recipient
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): College, Graduate, Medical School Loan	\$ 775,600.73	\$ _____
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

N/A

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? _____ N/A

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.

1,963 Days (Five years, four months and 14 days) of lost income, career, and livelihood as a result of police actions in this case. Three Graduate degrees and three years of medical school are down the drain because of the forgoing education that costs 775,600.73 still owed.

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

Executed on: 20th Day of August, 2021



(Signature)

3.7

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
PURSUANT TO 28 U.S.C. §1915

Eric Westry
Plaintiff(s),

v.

Case No. 3:17cv862(VAB)

Victor Leon
Defendant(s),

I request leave to commence this civil action without prepayment of fees, costs, or security therefor pursuant to 28 U.S.C. § 1915. In support of my request, I submit the attached financial affidavit and state that:

- (1) I am unable to pay such fees, costs, or give security therefor.
- (2) I am entitled to commence this action against the defendant(s).
- (3) I request that the court direct the United States Marshal's Service to serve process.


Original Signature

Eric Westry
Name (print or type)

61-09 Bantwood Drive
Street Address

Waterbury CT 06705
City State Zip Code

(203) 819-4163
Telephone Number

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

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of November, two thousand twenty.

Before: Denny Chin,
Circuit Judge.

Eric Westry,

Plaintiff - Appellant,

v.

Victor Leon,

Defendant - Appellee.

ORDER

Docket No. 20-203

Appellant, *pro se*, moves the Court to waive the requirement that he submit hard copies of his principal brief and reply brief.

IT IS HEREBY ORDERED that the motion is GRANTED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


