

No. 21-5924

Supreme Court, U.S.

FILED

SEP 20 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

Hernandez Cuellar Jose Victor - PETITIONER

vs.

United States of America - RESPONDENT

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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The petitioner ask leave to file the attached petition for a **writ of Habeas Corpus** without prepayment of costs and to proceed **in forma pauperis**.

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

District Court of the United States for the Eastern district of Texas.

Court of Appeals of the United States for the Fifth Circuit.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

The appointment was made under the following provision of law:

Constitution for the United States of America

Article I, Section 9

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Constitutional Amendment I of the Bill of Rights

Right to petition the Government for redress of grievances.

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SEP 20, 2021

Hernandez Cuellar Jose Victor

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

I, Hernandez Cuellar Jose Victor, 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   | \$ 0  | \$ 1,200        | \$ 0                                  | \$ 1,200        |
| Self-employment  | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Income from real property<br>(such as rental income)                       | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Interest and dividends   | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Gifts  | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Alimony  | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Child Support  | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Retirement (such as social<br>security, pensions,<br>annuities, insurance) | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Disability (such as social<br>security, insurance payments)                | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Unemployment payments  | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Public-assistance<br>(such as welfare)                                     | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| Other (specify): _____   | \$ N/A  | \$ N/A          | \$ N/A                                | \$ N/A          |
| <b>Total monthly income:</b>   | <b>\$ 0</b>   | <b>\$ 1,200</b> | <b>\$ 0</b>                           | <b>\$ 1,200</b> |

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 |
|----------|---------|---------------------|-------------------|
| N/A      | N/A     | N/A                 | \$ N/A            |
|          |         |                     | \$                |
|          |         |                     | \$                |

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            |
|------------------|--|---------------------|------------------------------|
| Korner Cafe, LLC | 921 W. Main St.<br>Lewisville, TX<br>75067 | OCT. 2016           | \$ 200.00<br>\$(Plus + Tips) |
|                  |  |                     | \$                           |

4. How much cash do you and your spouse have? \$ 600 -Approximately-  
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 |
|---|-----------------|------------------------|
| CHASE Bank; savings                         | \$ N/A          | \$ 600 -Approx.-       |
|   |                 |                        |
|   |                 |                        |

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

Home  
Value \_\_\_\_\_ N/A

Other real estate  
Value \_\_\_\_\_ N/A

Motor Vehicle #1  
Year, make & model 2016 FORD Focus  
Value \$ 1,500 U.S.Dollar

Motor Vehicle #2  
Year, make & model N/A  
Value \_\_\_\_\_

Other assets  
Description \_\_\_\_\_ N/A  
Value \_\_\_\_\_

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> |
|--|---------------------------|-----------------------------------|
| 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").

| <b>Name</b> | <b>Relationship</b> | <b>Age</b> |
|-------------|---------------------|------------|
| N/A         | 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)                               | \$ N/A     | \$ 1,200           |
| Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |                    |
| Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |            |                    |
| Utilities (electricity, heating fuel,<br>water, sewer, and telephone)                               | \$ N/A     | \$ 245.00          |
| Home maintenance (repairs and upkeep)   | \$ N/A     | \$ N/A             |
| Food  | \$ N/A     | \$ 320.00          |
| Clothing  | \$ N/A     | \$ N/A             |
| Laundry and dry-cleaning  | \$ N/A     | \$ N/A             |
| Medical and dental expenses   | \$ N/A     | \$ N/A             |

|   | <b>You</b>    | <b>Your spouse</b> |
|---|---------------|--------------------|
| Transportation (not including motor vehicle payments)                                       | \$ N/A        | \$ 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        | \$ 15.00           |
| Life  | \$ N/A        | \$ N/A             |
| Health  | \$ N/A        | \$ N/A             |
| Motor Vehicle   | \$ N/A        | \$ 50.00           |
| Other: _____  | \$ N/A        | \$ N/A             |
| Taxes (not deducted from wages or included in mortgage payments)                            |               |                    |
| (specify): _____  | \$ N/A        | \$ N/A             |
| Installment payments  |               |                    |
| Motor Vehicle   | \$ N/A        | \$ N/A             |
| Credit card(s)  | \$ N/A        | \$ N/A             |
| Department store(s)   | \$ N/A        | \$ N/A             |
| Other: _____  | \$ N/A        | \$ N/A             |
| Alimony, maintenance, and support paid to others  | \$ N/A        | \$ N/A             |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ N/A        | \$ N/A             |
| Other (specify): _____  | \$ N/A        | \$ N/A             |
| <b>Total monthly expenses:</b>  | <b>\$ N/A</b> | <b>\$ 1,830.00</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? N/A

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

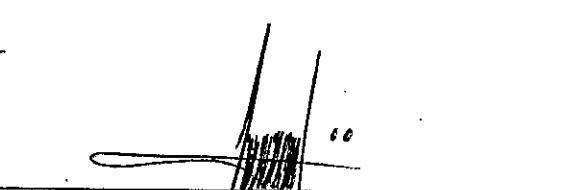
If yes, state the person's name, address, and telephone number:

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

Because I am incarcerated and the undue financial burden placed in my wife.

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

Executed on: September 20, 2021

  
(Signature)