

21 - 6298

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Daryl Cook,
Petitioner
vs.
City of Philadelphia, et al
Respondents

No. _____

FILED

OCT - 7 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Daryl Cook, respectfully request leave to proceed with the within Petition for a writ of Certiorari because as indicated by the following Affidavit, he is unable to pay the costs of filing and producing copies.

Respectfully submitted,

Date: November 10, 2021

Daryl Cook
Pro Se Petitioner

AFFIDAVIT IN SUPPORT OF MOTION

I declare under penalty of perjury that because of my poverty and incarceration, I cannot prepay the docket fee and pay for 40 copies of my enclosed Petition for a writ of Certiorari or post a bond for them. I believe I am entitled to ~~redress~~ redress. I declare under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746, 18 U.S.C. § 1621.)

Date: November 10, 2021

Daryl Cook

my issues presented are:

See Question Presented on Petition for writ of Certiorari.

1. For both you and your spouse estimate the average amount of money received from each ~~source~~ 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	<u>\$40</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Self-employment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Income from real property (such as rental income)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Interest and dividends	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Gifts	<u>\$50</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Alimony	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Child support	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Retirement (such as social security, pensions, annuities, insurance)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Disability (such as social security, insurance payments)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Unemployment payments	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Public assistance (such as welfare)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Other (specify): None	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total monthly income:	<u>\$40</u>	<u>\$0</u>	<u>\$40</u>	<u>\$0</u>

2. List your 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>Inmate Employment</u>	<u>SCI Coal Township</u>	<u>2019-2021</u>	<u>\$40</u>

3. List your spouse's employment history for the past two years.

N/A

4. How much cash do you ~~and your spouse~~ have? \$1000, approx.

~~Separate account~~ Separated from spouse.

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

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>None</u>	<u>N/A</u>	<u>\$0</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.

I own no home, other real estate, or motor vehicle, and I am separated from my spouse.

6. State every person, business, or organization owing you or your spouse money, and the amount owed. None

7. State the persons who rely on you or your spouse for support. None

8. Estimate the average monthly expenses of you and your family.

Because I am incarcerated and separated from my spouse, my only monthly expense is cable TV: \$17.00 per 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

10. Have you spent or will you be spending any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No

11. Provide any other information that will help explain why you cannot pay the docket fees. I am incarcerated and have no financial

resources available to me, and never was granted leave to proceed IFP.

12. State the city and state of your legal residence.

Coal Township, PA

Your daytime phone number: N/A

Your age: 62 years Your years of schooling: GED, 10 years

Last four digits of your social security number: 9523

PROOF OF SERVICE

I, Daryl Cook, do declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that on this date, November 10, 2021, as required by Supreme Court Rule 29 I have served the foregoing Motion for leave to Proceed In Forma Pauperis on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the foregoing document in the institution's internal mail system with first-class postage prepaid, to: Martha Gale, Esq., Supreme Court of Pennsylvania, Administrative Office of PA Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102; Meghan Bynnes, Esq. and Zachary G. Strassburger, Esq., City of Philadelphia Law Department, 1515 Arch Street, 17th Floor, Philadelphia, PA 19102-1595.

By: Daryl Cook

DARYL COOK

JR8635

SCI Coal Township

1 Kelley Drive

Coal Township, PA 17866