

No. 21-6765

IN THE
SUPREME COURT OF THE UNITED STATES

HITOSHI OMBE – PETITIONER

VS.

GEORGE COOK, ET. AL. - RESPONDENTS

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 item(s).

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

United States District Court for the District of New Mexico

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

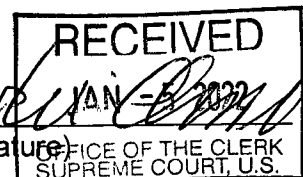
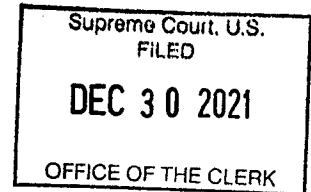
It is unclear the meaning of the question. However, United States Court of Appeals for the Tenth Circuit denied to be consistent with there decision.

☒ 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: _____

☐ 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, Hitoshi Ombe, 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, 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
Gift	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 1,100	\$ 0	\$ 1,165	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 250	\$ 0	\$ 55	\$ 0
Other (specify): <u>N/A</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 1,350	\$ 0	\$ 1,220	\$ 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
None	N/A	N/A	\$ 0
None	N/A	N/A	\$ 0
None	N/A	N/A	\$ 0

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	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have ? \$ 400

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 200	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

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

<input type="checkbox"/> Home (I do not own home) Value <u>N/A</u>	<input type="checkbox"/> Other real estate (I do not own real estate) Value <u>N/A</u>
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model <u>Honda CR-V 2005</u> Value <u>\$ 5,000</u> (I purchased this at \$5,000 in 2016. I do not know a current value. This is my daily use.)	<input type="checkbox"/> Motor Vehicle #2 (I do not own this.) Year, make & model <u>N/A</u> Value <u>N/A</u>
<input type="checkbox"/> Other assets (None: I do not own any other assets.) Value <u>N/A</u>	

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>	\$ <u>0</u>	\$ <u>0</u>
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
<u>None</u>	\$ <u>0</u>	\$ <u>0</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>	<u>N/A</u>	<u>N/A</u>
<u>None</u>	<u>N/A</u>	<u>N/A</u>
<u>None</u>	<u>N/A</u>	<u>N/A</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 (includes lot rented for mobile home)	\$ <u>260</u>	\$ <u>0</u>
Are real estate taxes included ? <u>x</u> Yes <u> </u> No		
Is property insurance included ? <u>x</u> Yes <u> </u> No		
Utilities (electricity, heating fuel, water, sewer, telephone)	\$ <u>160</u>	\$ <u>0</u>
Home maintenance (repair and upkeep)	\$ <u>60</u>	\$ <u>0</u>
Food	\$ <u>200</u>	\$ <u>0</u>
Clothing	\$ <u>60</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>60</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>70</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 90	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 100	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renters	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 25	\$ 0
Other: <u>N/A</u>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>Student Loan</u>	\$ 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): <u>Car repair, PO Box fee, and others</u>	\$ 200	\$ 0
Total monthly expenses:	\$ 1,285	\$ 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 x No

However, see the item 12 related to pandemic related variations.

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 _____ x No

If yes, how much ? _____ N/A _____

If yes, state the attorney's name, address, and telephone number.

N/A

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 _____ x No

If yes, how much ? _____ N/A _____

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

N/A

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

A. General financial condition

I am a retiree with the fixed income from the Social Security Retirement benefit \$1,100 (year 2021) and \$1,165 (year 2022) per month and some public benefits with no asset. I must manage everything within this budget. There are no extra cash to pay something like this.

Among public assistance, the amount of rent assistance is unknown to me. I pay \$260 per month after the assistance. This is subject to annual recertification.

As to medical expense, annual maximum out-of-pocket cost is \$3,900. During the year 2022, eye surgery is expected. It is long delayed due to transportation problem.

B. Unless there arises a major bill such as major medical expenses, my monthly income and expenses are quite stable. It has been very unclear as to how to count and report pandemic related extra public benefits, which are supposed to be temporarily with uncertainty, because it could distort general picture of my finance. I wish the Court to provide some more detailed instruction on something like this. Thus, it has come to the following conclusion, although I am not sure how this rather small amounts are important for the Court as to someone with fixed limited income.

C. Average monthly income of the past 12 months includes pandemic related extra public benefits. They are SNAP pandemic emergency allotment which has automatically and unconditionally increased to the maximum amount of the household size. Pandemic student loan forbearance is in force. The forbearance ends on January 31, 2022. The end date of SNAP emergency allotment is unknown.

D. The extra cash from pandemic related extra benefits (e.g., food is fully covered by SNAP and no cash of my own is used) has been used to repair my car Honda CR-V. It broke down on June 09,

2021. The repair is not completed. It is a high mileage car: about 218,000 miles. Since then, I have driven very little.

E. The income amount expected next month, January 2022, does not include pandemic related extra benefits. The average monthly expenses reflects the year 2021. The expected monthly expenses for the year 2022 are expected about the same as the income amount expected next month. The difference between the monthly average income and the monthly average expenses for the year 2021 reflects unused portion of the SNAP benefits.

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

Executed on: December 30, 2021

Intokun Ombre
(Signature)