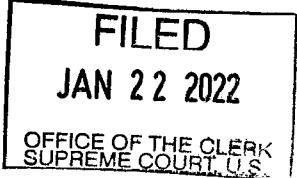


21 - 6971

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Byron L. Case — PETITIONER

VS.

Douglas County, 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):  
\_\_\_\_\_  
\_\_\_\_\_

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.

Byron L Case  
(Signature)

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

I, Byron L Case, 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 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	\$ none	\$ 0	\$ none
Self-employment	\$ 0	\$ none	\$ 0	\$ none
Income from real property (such as rental income)	\$ 0	\$ none	\$ 0	\$ none
Interest and dividends	\$ 0	\$ none	\$ 0	\$ none
Gifts	\$ 0	\$ none	\$ 0	\$ none
Alimony	\$ 0	\$ none	\$ 0	\$ none
Child Support	\$ 0	\$ none	\$ 0	\$ none
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ none	\$ 0	\$ none
Disability (such as social security, insurance payments)	\$ 5300	\$ none	\$ 5300	\$ none
Unemployment payments	\$ 0	\$ none	\$ 0	\$ none
Public-assistance (such as welfare)	\$ 0	\$ none	\$ 0	\$ none
Other (specify): _____	\$ none	\$ none	\$ none	\$ none
<b>Total monthly income:</b>	<b>\$ 5300</b>	<b>\$ 0</b>	<b>\$ 5300</b>	<b>\$ 0</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>
N/A	N/A	N/A	\$ 0
			\$ 0
			\$ 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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
N/A	N/A	N/A	\$ 0
			\$ 0
			\$ 0

4. How much cash do you and your spouse have? \$ 300

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>
Checking	\$ 300	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

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

Home  
Value \$147,099

Other real estate  
Value none

Motor Vehicle #1  
Year, make & model 1996 Mazda B4000  
Value \$3,550

Motor Vehicle #2  
Year, make & model 2016 Chevy Colorado  
Value \$21,000

Other assets  
Description \_\_\_\_\_  
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	\$ 0	\$ 0
n/a	\$ 0	\$ 0
n/a	\$ 0	\$ 0

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>
<b>Shelley Case</b>	<b>Spouse</b>	<b>46</b>
<b>C.M.</b>	<b>Stepchild</b>	<b>17</b>

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 (include lot rented for mobile home)	\$ 802	\$ 0
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 350	\$ 0
Home maintenance (repairs and upkeep)	\$ 100	\$ 0
Food	\$ 600	\$ 0
Clothing	\$ 250	\$ 0
Laundry and dry-cleaning	\$ 55	\$ 0
Medical and dental expenses	\$ 250	\$ 0

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ 350	\$0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$0
Life	\$ 0	\$0
Health	\$ 0	\$0
Motor Vehicle	\$ 165	\$0
Other: <u>Eye Insurance</u>	\$ 50	\$0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$0
Installment payments		
Motor Vehicle	\$ 820.14	\$0
Credit card(s)	\$ 600	\$ 0
Department store(s)	\$ 269.98	\$0
Other: <u>Storage Unit for Belongings due to court</u>	\$ 242	\$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>Legal Supplies (Printing/paper, mailing)</u>	\$ 200	\$0
<b>Total monthly expenses:</b>	<b>\$ 5104.12</b>	<b>\$0</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 living on veterans' disability and social security disability month to month. Family expenses are almost the same amount that I receive every month in pay. I do not have any assets that I could use to pay for an attorney at this level of a case. My house is being foreclosed on in order to pay court ordered spousal support from a home which I have made monthly payments on from my VA and Social Security disability since 2001. Therefore, I cannot use any equity that may be existing in the house as a means to pay an attorney either, because on top of the ordered sale to pay spousal support in a one lump sum, there is still a \$105,000 existing loan with the mortgage company, and the house is only worth \$147,099 per the Douglas County Assessor's Office.

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

Executed on: \_\_\_\_\_, 20 \_\_\_\_

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(Signature)