

21-8126

Case No. 22-

ORIGINAL

FILED

JUN 07 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

ALEX CLARFELD, individually and on behalf of his minor child, P. M.,
Plaintiff/Appellant,

v.

DEPARTMENT OF EDUCATION, STATE OF HAWAII,
Defendant/Appellee.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Ninth Circuit

Motion for Leave to Proceed in Forma Pauperis

I am ALEX CLARFELD, Petitioner and I ask for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis. I cannot afford to retain counsel to represent me before the Supreme Court. For the proceedings below, I was able to retain counsel on a low-fee/deferred fee basis with assistance from a third-party. My counsel is no longer available to me.



Alex Clarfeld
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Petitioner Pro Se
In Forma Pauperis

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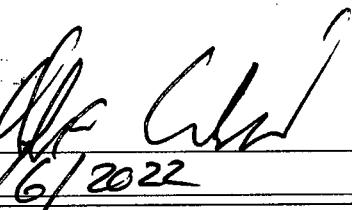
JUN 13 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion

I, ALEX CLARFELD, am the Petitioner in the above-entitled case. In support of my motion to proceed in *forma pauperis*, I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm 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.)

Signed: 

Date: 6/6/2022

My issues on appeal are:

- A. Does the “stay-put” provision of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §1415(j), which requires that during the pendency of proceedings, a child must remain in their then-current educational placement, imply a right to prevent school officials from unilaterally changing a placement previously accepted by all parties prior to the initiation of proceedings?
- B. Does the “stay-put” provision imply a right to the prior written notice required §1415(b)(3) and (c), when school officials seek to change a bilateral placement prior to the initiation of proceedings?

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)	\$996	\$ n/a	\$0	\$ n/a
Disability (such as social security, insurance payments)	\$0	\$ n/a	\$0	\$ n/a
Unemployment payments	\$0	\$ n/a	\$0	\$ n/a
Public-assistance (such as welfare)	\$0	\$ n/a	\$0	\$ n/a
Other (specify):	\$0	\$ n/a	\$0	\$ n/a
Total monthly income:	\$996	\$ n/a	\$0	\$ n/a

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
No employment			\$
			\$
			\$

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?*

\$360. I do not have a 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
First Hawaiian Bank	Checking	\$360	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions,

attach one certified statement of each account.

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

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$ 1500
		Make and year: Honda 2001
		Model: CR-V
		Registration #:HIO-346

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:	0	0
Model:		
Registration #:		

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
0	\$0	\$0
	\$	\$
	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

My son has a legal guardian who provides for his support. I have no other dependants.

Name [or, if under 18, initials only]	Relationship	Age
None		

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 356	\$ n/a
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)	\$ 35	\$ n/a
Home maintenance (repairs and upkeep)	\$	\$ n/a
Food	\$ 300	\$ n/a
Clothing	\$ 10	\$ n/a
Laundry and dry-cleaning	\$ 10	\$ n/a
Medical and dental expenses	\$ 0	\$ n/a
Transportation (not including motor vehicle payments)	\$ 60	\$ n/a
Recreation, entertainment, newspapers, magazines, etc.	\$	\$ n/a
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$ n/a
Life:	\$	\$ n/a
Health:	\$ 135	\$ n/a
Motor vehicle:	\$ 35	\$ n/a

Other:	\$	\$ n/a
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0	\$ n/a
Installment payments		
Motor Vehicle:	\$ 0	\$ n/a
Credit card (name):	\$ 0	\$ n/a
Department store (name):	\$ 0	\$ n/a
Other:	\$ 0	\$ n/a
Alimony, maintenance, and support paid to others	\$ 0	\$ n/a
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ n/a
Other (specify):	\$ 0	\$ n/a
Total monthly expenses:	\$ 941	\$ n/a

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? Yes No*

If yes, how much? \$ _____

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

I cannot afford to retain counsel to represent me before the Supreme Court. For the proceedings below, I was able to retain counsel on a low-fee/deferred fee basis with assistance from a third-party. My counsel is no longer available to me.

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

Alex Clarfeld
1889 Loke St, Apt 411
Wailuku, HI 96793

Your daytime phone number: (310) 309-9049

Your age: 68. *Your years of schooling:* 12

Last four digits of your social-security number: ***-**-2596

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

Executed on: 6/6/2022

Signature: 