

No. 21-8223

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUN 22 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN RE: Fox Joseph Salerno — PETITIONER

VS.

~~State of New York~~  
~~State of New York~~, et al., — RESPONDENT(S)

ORIGINAL

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The petitioner asks leave to file the attached petition *Direct Collateral Review* (28 USC 1257(a)) without prepayment of costs and to proceed *in forma pauperis*.

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

The United States Supreme Court

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

\* This is a Habeas Corpus Appeal, no Filing  
FEE IS Required / Allowed.  
re PHILLIPS, 133 F.3d 770, 1998 Colo. J. C.A.R.  
103 1998 U.S. APP. LEXIS 69 (10th Cir 1998).

Fy J. Salerno

Fox J. Salerno

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

I, Fox J. Salerno 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.

Income source	Average monthly amount during the past 12 months		Amount next month	
	You	Spouse	You	Spouse
Employment Self-	\$ <u>0</u>	\$ <u>none</u>	\$ <u>0</u>	\$ <u>none</u>
employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public- assistance (such as _____)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
<b>Total monthly income:</b>	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____

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			\$ 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.)

4. How much cash do you and your spouse have? \$ 0  
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
	\$	\$

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

D Home  
Value 0

D Other real estate  
Value 0

D Motor Vehicle #1  
Year, make & model 0  
Value

D Motor Vehicle #2  
Year, make & model 0  
Value 0

D Other assets  
Description 0  
Value 0

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
None	\$	\$
	\$	\$
	\$	\$

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

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)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes	D Yes D	
Is property insurance included?	D Yes D No	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>
	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines,	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>

Taxes (not deducted from wages or included in mortgage payments)

Installment payments

Motor Vehicle

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Credit card(s)

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Department store(s)

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Other: \_\_\_\_\_

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Alimony, maintenance, and support paid to others

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Regular expenses for operation of business,  
profession, or farm (attach detailed statement)

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Other (specify): \_\_\_\_\_

\$ \_\_\_\_\_ \$ \_\_\_\_\_

Total monthly expenses:

\$ 0 \$ 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?

D Yes ☒ D 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? D Yes D No

If yes, how much? NO

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?

D Yes ☒ D No

12. Provide any other information that will help explain why you cannot pay the costs of this case. NO NC

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

correct. Executed on: JUNE 12, 2022

[Signature]  
(Signature)