

No. 22-5066

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUN 21 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

John Cody a.k.a. Bobby Thompson — PETITIONER
(Your Name)

VS.

Tim McConahay, Warden — RESPONDENT(X)

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):

United States District Court (N.D. Ohio) in original
28 U.S.C. § 2254 habeas corpus proceeding, 2018 CV 1787

☐ 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.

No statement made in this motion or attached declaration is meant to apply to the time of pre-trial, trial or sentencing in the underlying, original state court criminal trial case.



(Signature)

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

I, John Cody, 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 expected next month	
	You	Spouse <u>N.A.</u>	You	Spouse <u>N.A.</u>
Employment (<u>Prison</u>)	\$ <u>12.00</u>	\$ _____	\$ <u>12.00</u>	\$ _____
Self-employment	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Interest and dividends	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Gifts	\$ <u>13.00</u>	\$ _____	\$ <u>13.00</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 welfare)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Other (specify): <u>stimulus</u> <u>E.I.P.</u>	\$ <u>150.00</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Total monthly income:	\$ <u>175.00</u>	\$ <u>N.A.</u>	\$ <u>25.00</u>	\$ <u>N.A.</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
O.D.R.C. <u>Manfield</u>	<u>1150 N. Main St.</u>	<u>Mar 2019 - date</u>	<u>\$ 12.00</u>
<u> </u>	<u>Manfield OH</u>	<u> </u>	<u>\$</u>
<u> </u>	<u>44903</u>	<u> </u>	<u>\$</u>

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.)

N.A.

Employer	Address	Dates of Employment	Gross monthly pay
<u> </u>	<u> </u>	<u> </u>	<u>\$</u>
<u> </u>	<u> </u>	<u> </u>	<u>\$</u>
<u> </u>	<u> </u>	<u> </u>	<u>\$</u>

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 has
<u> </u>	<u>\$</u>	<u>\$</u>
<u> </u>	<u>\$</u>	<u>\$</u>
<u> </u>	<u>\$</u>	<u>\$</u>

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

☐ Home None
Value

☐ Other real estate None
Value

☐ Motor Vehicle #1 None
Year, make & model
Value

☐ Motor Vehicle #2 None
Year, make & model
Value

☐ Other assets None
Description
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed. *N.A.*

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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"). *N.A.*

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.

You

Your spouse *N.A.*

Rent or home-mortgage payment *N.A.*
(include lot rented for mobile home)

\$ _____ \$ _____

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (~~electricity, heating fuel,~~
~~water, sewer, and telephone~~)

\$ 40 - \$ _____

Home maintenance (repairs and upkeep)

\$ _____ \$ _____

Food

\$ 80 - \$ _____

Clothing

\$ 45 - \$ _____

Laundry and dry-cleaning

\$ 10 - \$ _____

Medical and dental expenses
(*Hygiene items included.*)

\$ 70 - \$ _____

	You	Your spouse <i>N.A.</i>
Transportation (not including motor vehicle payments) <i>N.A.</i>	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>10 -</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments) <i>N.A.</i>		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments) <i>N.A.</i>		
(specify): _____	\$ _____	\$ _____
Installment payments <i>See Answer 12.</i>		
Motor Vehicle <i>N.A.</i>	\$ _____	\$ _____
Credit card(s) <i>N.A.</i>	\$ _____	\$ _____
Department store(s) <i>N.A.</i>	\$ _____	\$ _____
Other: <u><i>See Answer 12.</i></u>	\$ _____	\$ _____
Alimony, maintenance, and support paid to others <i>N.A.</i>	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement) <i>N.A.</i>	\$ _____	\$ _____
Other (specify): <u><i>Nutrient Supplements</i></u>	\$ <u><i>35 -</i></u>	\$ _____
Total monthly expenses:	\$ <u><i>290 -</i></u>	\$ _____

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.

my true assets/liabilities statement shows a net negative amount of circa \$-13 million, circa \$6.7 million of which is debt owed to Cuyahoga County, Ohio for fines/cnts in the underlying criminal case. Any amount over \$25.00 from non-exempt sources in my personal account is seized to pay that amount.

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

Executed on: June 12, 2022



(Signature)