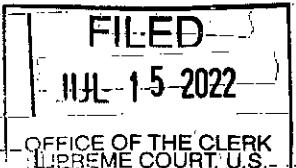


22-5271
No. _____

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

JOSE ERBO — PETITIONER
(Your Name)

VS.

UNITED STATES — 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):

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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

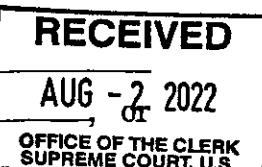
Petitioner's affidavit or declaration in support of this motion is attached hereto.

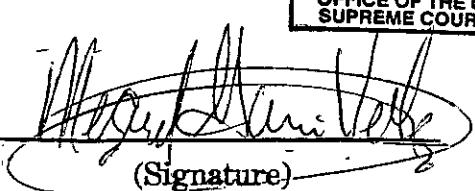
Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law:

18 U.S.C. Sect. 3006(A)

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, JOSE Erbo, 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	You	Spouse
Employment	\$ 7.40ct	\$ N/A	\$ 7.40ct	\$ N/A
Self-employment	\$ NONE	\$ N/A	\$ None	\$ N/A
Income from real property (such as rental income)	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Interest and dividends	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Gifts	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Alimony	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Child Support	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Disability (such as social security, insurance payments)	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Unemployment payments	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Public-assistance (such as welfare)	\$ NONE	\$ N/A	\$ NONE	\$ N/A
Other (specify): <u>Family</u>	\$ 160.00	\$ N/A	\$ NONE	\$ N/A
Total monthly income:	\$ 170.00	\$ N/A	\$ NONE	\$ N/A

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
Unit Orderly	888 P. McCreary	2022 2021 2020	\$ 7.40 CT \$ 11 11 11 \$ 11 11 41

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	\$ N/A \$ \$

4. How much cash do you and your spouse have? \$ None

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
	\$ 160.00 CT	\$ N/A
	\$	\$
	\$	\$

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

Home

Value None

Other real estate

Value NONE

Motor Vehicle #1

Year, make & model NONE

Value _____

Motor Vehicle #2

Year, make & model NONE

Value _____

Other assets

Description NONE

Value _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NONE</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>10.00</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>NONE</u>	\$ <u>N/A</u>
Life	\$ <u>NONE</u>	\$ <u>N/A</u>
Health	\$ <u>NONE</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>NONE</u>	\$ <u>N/A</u>
Other: <u>NONE</u>	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>NONE</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>NONE</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>NONE</u>	\$ <u>N/A</u>
Other: <u>NONE</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others		
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>NONE</u>	\$ <u>N/A</u>
Other (specify): <u>NONE</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>160.00</u>	\$ <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>NONE</u>	\$ <u>NONE</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>A. G.</u>	<u>Granddaughter</u>	<u>9</u>
<u>M. G.</u>	<u>grandson</u>	<u>5</u>
<u>C. G.</u>	<u>Granddaughter</u>	<u>6-months</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 (include lot rented for mobile home)	\$ <u>NONE</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>NONE</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>NONE</u>	\$ <u>N/A</u>
Food	\$ <u>140.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>20.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>9.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>6.00</u>	\$ <u>N/A</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? _____

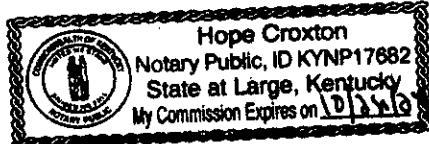
If yes, state the person's name, address, and telephone number:

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

I have been a IndigENT Defendant/PetITIONER
From the Initial of My Criminal/Civil Actions.

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

Executed on: July 20, 2022




(Signature)

Inmate Statement

PRINT

Inmate Reg #:	21134069	Current Institution:	McCreary USP
Inmate Name:	ERBO, JOSE	Housing Unit:	MCR-B-B
Report Date:	07/06/2022	Living Quarters:	B03-130L
Report Time:	10:37:18 AM		

<u>Alpha</u> <u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction</u> <u>Type</u>	<u>Transaction</u> <u>Amount</u>	<u>Encumbrance</u> <u>Amount</u>	<u>Ending</u> <u>Balance</u>
MCR	6/18/2022 11:50:43 AM	TL0618			TRUL Withdrawal	(\$2.00)		\$181.20
MCR	6/18/2022 11:50:28 AM	TL062022			Pre-Release Transaction		\$0.33	-----
MCR	6/13/2022 6:55:48 PM	TL062022			Pre-Release Transaction		\$9.00	-----
MCR	6/13/2022 6:08:11 PM	33322164			Western Union	\$180.00		\$183.20
MCR	6/13/2022 6:08:11 PM	33322164			Pre-Release Transaction		(\$9.00)	-----
MCR	6/8/2022 11:49:44 AM	TL0608			TRUL Withdrawal	(\$5.00)		\$3.20
MCR	6/7/2022 10:35:35 AM	XIPPO522			Payroll - IPP	\$6.60		\$8.20
MCR	6/7/2022 10:35:35 AM	XIPPO522			Pre-Release Transaction		(\$0.33)	-----
MCR	5/31/2022 12:13:17 PM	61			Sales	(\$178.90)		\$1.60
MCR	5/28/2022 6:14:39 PM	TL052022			Pre-Release Transaction		\$0.33	-----
MCR	5/26/2022 6:50:04 PM	TL0526			TRUL Withdrawal	(\$2.00)		\$180.50
MCR	5/26/2022 10:53:52 AM	TL0526			TRUL Withdrawal	(\$2.00)		\$182.50
MCR	5/26/2022 8:56:52 AM	TL052022			Pre-Release Transaction		\$9.00	-----
MCR	5/26/2022 7:09:13 AM	33322146			Western Union	\$180.00		\$184.50
MCR	5/26/2022 7:09:13 AM	33322146			Pre-Release Transaction		(\$9.00)	-----
MCR	5/7/2022 6:56:39 AM	TL0507			TRUL Withdrawal	(\$2.00)		\$4.50
MCR	5/4/2022 11:58:29 AM	48			Sales	(\$172.65)		\$6.50
MCR	5/4/2022 10:54:35 AM	XIPPO422			Payroll - IPP	\$6.60		\$179.15
MCR	5/4/2022 10:54:35 AM	XIPPO422			Pre-Release Transaction		(\$0.33)	-----
MCR	5/4/2022 7:15:27 AM	TL052022			Pre-Release Transaction		\$13.70	-----
MCR	4/22/2022 12:17:19 PM	XICPO422			Inmate Co-pay	(\$2.00)		\$172.55
MCR	4/14/2022 7:47:27 AM	5			Sales	(\$141.90)		\$174.55
MCR	4/10/2022 8:08:36 PM	33322100			Western Union	\$200.00		\$316.45
MCR	4/10/2022 8:08:36 PM	33322100			Pre-Release Transaction		(\$10.00)	-----
MCR	4/9/2022 7:21:58 PM	TL042022			Pre-Release Transaction		\$5.00	-----
MCR	4/9/2022 7:20:24 PM	TL0409			TRUL Withdrawal	(\$5.00)		\$116.45
MCR	3/29/2022 12:57:01 PM	59			Sales	(\$103.70)		\$121.45
MCR	3/25/2022 5:50:01 PM	TL0325			TRUL Withdrawal	(\$5.00)		\$225.15
MCR	3/25/2022 10:06:51 AM	33322084			Western Union	\$150.00		\$230.15
MCR	3/25/2022 10:06:51 AM	33322084			Pre-Release Transaction		(\$7.50)	-----

MCR	3/10/2022	TL0310	TRUL Withdrawal Sales	(\$2.00)	\$82.15
	2:27:36 PM				
MCR	3/8/2022	64		(\$54.85)	\$84.15
	12:03:01 PM				
MCR	3/5/2022	TL032022	Pre-Release Transaction	\$3.00	-----
	7:12:42 AM		Western Union		
MCR	3/4/2022	33322063		\$60.00	\$139.00
	4:08:30 PM				
MCR	3/4/2022	33322063	Pre-Release Transaction	(\$3.00)	-----
	4:08:30 PM		TRUL	(\$2.00)	\$79.00
MCR	2/28/2022	TL0228	Withdrawal		
	8:07:33 AM		TRUL	(\$5.00)	\$81.00
MCR	2/23/2022	TL0223	Withdrawal		
	2:43:14 PM		TRUL	(\$5.00)	\$86.00
MCR	2/17/2022	TL0217	Withdrawal		
	9:12:54 AM		TRUL	(\$5.00)	
MCR	2/10/2022	15	Sales	(\$55.95)	\$91.00
	7:59:36 AM				
MCR	2/8/2022	TL0208	TRUL	(\$5.00)	\$146.95
	12:34:08 PM		Withdrawal		
MCR	2/3/2022	XIPPO122	Payroll - IPP	\$5.40	\$151.95
	8:40:55 AM				
MCR	2/3/2022	XIPPO122	Pre-Release Transaction	(\$0.27)	-----
	8:40:55 AM		Pre-Release		
MCR	1/28/2022	TL012022	Transaction	\$145.00	-----
	2:23:38 PM		TRUL	(\$2.00)	\$146.55
MCR	1/28/2022	TL0128	Withdrawal		
	2:22:44 PM		Sales	(\$181.05)	\$148.55
MCR	1/18/2022	23			
	8:57:12 AM				
MCR	1/10/2022	XIPPI221	Payroll - IPP	\$7.20	\$329.60
	2:27:59 PM				
MCR	1/10/2022	XIPPI221	Pre-Release Transaction	(\$0.36)	-----
	2:27:59 PM		Western Union		
MCR	12/14/2021	33321348		\$150.00	\$322.40
	8:08:06 PM				
MCR	12/14/2021	33321348	Pre-Release Transaction	(\$7.50)	-----
	8:08:06 PM				

12

Total Transactions: 69

Totals: (\$367.05) \$185.30

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre- Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
MCR	\$181.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$181.20
Totals:	\$181.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$181.20

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev</u>	<u>Average Balance - Prev</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$795.80	\$937.00	\$129.62	\$183.20	\$144.89	N/A	N/A