

22-5272

No. _____

FILED

JUN 29 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

SUPREME COURT OF THE UNITED STATES

In the Interest of M.R., a child

JAMES ARTHUR ROSS, FATHER – PETITIONER

VS.

STATE OF NORTH DAKOTA - 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 cost 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 District of North Dakota.

☐ 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.


(Signature)

RECEIVED

JUL 06 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

AFFIDAVIT OR DECLARATION

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

I, James Arthur Ross, 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 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	\$0	\$0	\$0	\$0
Self-employment	\$0	\$0	\$0	\$0
Income from real property (such as rental property)	\$0	\$0	\$0	\$0
Interest and dividends	\$0	\$0	\$0	\$0
Gifts	\$25 approx.	\$0	\$0	\$0
Alimony	\$0	\$0	\$0	\$0
Child Support	\$0	\$0	\$0	\$0
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$0	\$0	\$0
Disability (such as social security, insurance payments)	\$0	\$0	\$0	\$0
Unemployment payments	\$0	\$0	\$0	\$0
Public-assistance (such as welfare)	\$0	\$0	\$0	\$0
Other (specify)*	\$60 approx.	\$0	\$0	\$0

* I receive approx. \$60 a month for my work programming as Oregon inmates are not employed by Oregon Law. We receive a Program based Recognition Award (PRAS) for our work, which is not guaranteed as a reliable "income" as it may end at any time and without notice.

Total monthly income: \$85 approx. \$0 \$0 \$0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.):

N/A

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

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

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
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<u>AIC Trust Account</u>	<u>\$7 approx.</u>	<u>\$0</u>
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5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings:

None - N/A

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

N/A

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

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>\$N/A</u>	<u>\$N/A</u>
Utilities (electricity, heating fuel, Water, sewer, and telephone)	<u>\$40 approx.</u>	<u>\$N/A</u>
Home maintenance (repairs and upkeep)	<u>\$N/A</u>	<u>\$N/A</u>
Food	<u>\$50</u>	<u>\$N/A</u>
Clothing	<u>\$5</u>	<u>\$N/A</u>
Laundry and dry-cleaning	<u>\$N/A</u>	<u>\$N/A</u>
Medical and dental expenses	<u>\$5</u>	<u>\$N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$N/A	\$N/A
Recreation, entertainment, newspapers, magazines, etc.	\$25 approx.	\$N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$N/A	\$N/A
Life	\$N/A	\$N/A
Health	\$N/A	\$N/A
Motor Vehicle	\$N/A	\$N/A
Other: _____	\$N/A	\$N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$N/A	\$ N/A
Installment payments		
Motor Vehicle	\$N/A	\$N/A
Credit card(s)	\$N/A	\$N/A
Department store(s)	\$N/A	\$N/A
Other: <u>Court Filing Fees Approx. \$1,200 total</u>	\$20%	\$N/A
Alimony, maintenance, and support paid to others	\$N/A	\$N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$N/A	\$N/A
Other (specify): _____	\$N/A	\$N/A
Total monthly expenses:	\$120 approx.	\$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.

*This is a difficult question as I am a prisoner and as explained above, any money that I may receive is from prison programming and friends and family gifts, which could cease at any moment. So, I pray that I am able to continue to receive such fortune, however, I cannot and do not "expect" anything. Thank you for your understanding.

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 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 attorney's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the cost of this case.
I have been incarcerated for approx. 18+ years. When I first came to prison, my wife obtained everything of value through the divorce. What little I do have is through the grace of GOD in the form of friends and family and what I might be able to obtain or receive through the Prison's work programs. Other than that, I have nothing except the 21+ years remaining on my sentence and the hope that one day that might change. Thank you for your understanding.

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

Executed on: June 29th, 2022.


(Signature)