

SUPREME COURT OF THE UNITED STATES

Edwin Pawlowski

Petitioner

v.

Case No. 22-5541

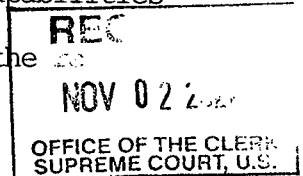
United States of America

Respondent

MOTION FOR RECONSIDERATION TO PROCEED IN FORMA PAUPERIS

Come Now, Edwin Pawlowski, Petitioner, pursuant to Supreme Court Rule 39, 44 and 28 USC §1915, respectfully requests reconsideration of the Order received on October 11, 2022 denying leave to proceed in forma pauperis. For the following reasons the Petitioner requests the Court's reconsideration.

1. The Petitioner is incarcerated in the Federal Prison Camp in Cumberland Maryland.
2. The facility at Cumberland has extremely limited copying services (inmates are allowed to purchase two copy cards every two weeks with 50 copies on each card), there is no word processing capabilities and no binding ability making it impossible to comply with the requirements of Rule 33.1 as outlined in the Court's Order.
3. The Petitioner is employed in the prison education department as a GED teacher and receives a wage of \$3.00 a day for five days a



week week.

4. The Petitioner was the sole provider in his household until his incarceration. His wife is now employed as a social worker making just enough to live on and provide for monthly needs.
5. The Petitioner's pension was seized by the government in payment of the small restitution amount imposed on him by the Court and lost an additional \$20,000 to taxes due to the early withdrawal of the funds from his retirement plan.
6. The Petitioner still owes attorney fees of over \$40,000 from his trial of which he is attempting to pay \$100.00 per month.
7. The Petitioner has nothing left but his home and cars utilized by his wife and daughter to drive to work and still owes money on both assets.
8. The Petitioner has lost everything, his job, his pension, his reputation and being 57 years old, his future.
9. The Petitioner was recently approved on 9/20/22 to leave in forma pauperis by the United States District Court for the District of Columbia.
10. The Petitioner has no funds or ability to hire an attorney for representation on his behalf.

The Petitioner begs the Court for mercy in allowing him to present this meritorious writ to the Court.

Pursuant to 28 USC §1746, I, Edwin Pawlowski declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Edwin Pawlowski', written in a cursive style.

Edwin Pawlowski

Petitioner, Pro Se

76166-066

Federal Prison Camp

P.O. Box 1000

Cumberland, MD 21501


CERTIFICATE OF SERVICE

I, Ed Pawlowski, hereby certify that on this date a true and correct copy of the foregoing Motion for the Extension of Time pursuant to 28 U.S.C. §1245(1) was served by the way of United States first class mail upon the following:

Michelle Morgan, AUSA
Office of the United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Solicitor General of the United States
Department of Justice
950 Pennsylvania Avenue, NW, Room 5614
Washington, DC 20530

Date: 10/20/21


Edwin Pawlowski, Pro Se

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 9/20/2022 at 7:51 PM and filed on 9/20/2022

Case Name: PAWLOWSKI v. UNITED STATES OF AMERICA et al

Case Number: 1:19-cv-03740-TJK

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER granting Plaintiff's [43] Motion for Leave to Appeal *in forma pauperis*. Upon consideration of Plaintiff's [43] motion, it is hereby **ORDERED** that the motion is **GRANTED**. The Clerk is directed to transmit a copy of this Order promptly to the United States Court of Appeals for the District of Columbia Circuit. Signed by Judge Timothy J. Kelly on 9/20/2022. (lctjk1)

1:19-cv-03740-TJK Notice has been electronically mailed to:

Bradley Silverman bradley.silverman@usdoj.gov, milton.pettus@usdoj.gov

1:19-cv-03740-TJK Notice will be delivered by other means to::

EDWIN PAWLOWSKI
R #76166-066
CUMBERLAND
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1000
CUMBERLAND, MD 21501

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 11, 2022

Mr. Edwin Pawlowski
Prisoner ID #76166-066
PO Box 1000
Cumberland, MD 21501

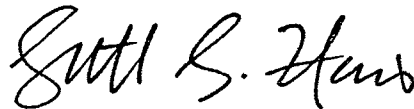
Re: Edwin Pawlowski
v. United States
No. 22-5541

Dear Mr. Pawlowski:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until November 1, 2022, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Scott S. Harris, Clerk

No. 22-5541

IN THE
SUPREME COURT OF THE UNITED STATES

Edwin Pawlowski — PETITIONER
(Your Name)

VS.

United States of America — 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*.

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

United States District Court for the District of Columbia

[☐] 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.

151 Paul _____
(Signature)

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

I, Edwin Pawlowski, 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	\$ <u>63.00</u>	\$ <u>4,457.00</u>	\$ <u>63.00</u>	\$ <u>4,457.00</u>
Self-employment	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>63.00</u>	\$ <u>4,457.00</u>	\$ <u>63.00</u>	\$ <u>4,457</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
Bureau of Prisons		1/2019	\$ 60.00
			\$
			\$

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
KS Consultants	1520 Main St.	2019-Present	\$ 4,457.00
	Suite 200		\$
	Warrington, PA 18976		\$

4. How much cash do you and your spouse have? \$ 7,500 disposable
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
Wells Fargo	Checkingg	\$	\$ 2,000
Wells Fargo	Savings	\$	\$ 4,500
Vanguard	IRA	\$ 29,000	\$ 100,00

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
Value \$175,000 Value

☒ Motor Vehicle #1 ☒ Motor Vehicle #2
Year, make & model Toyota Carolla 2015 Year, make & model 2011 Subaru Outback
Value \$8,000 Value \$8,000

☐ Other assets
Description
Value

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

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

Name	Relationship	Age
Mercy Pawlowski	Daughter	23
Alex Pawlowski	Son	20
_____	_____	_____
_____	_____	_____

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)	\$ _____	\$ 850.00
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ 600.00
Home maintenance (repairs and upkeep)	\$ _____	\$ 500.00
Food	\$ 175.00	\$ 750.00
Clothing	\$ 25.00	\$ 50.00
Laundry and dry-cleaning	\$ 10.00	\$ 25.00
Medical and dental expenses	25.00	75.00
	\$ _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ _____	\$ 250.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 25.00	\$ 160.00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ N/A
Life	\$ _____	\$ N/A
Health	\$ _____	\$ N/A
Motor Vehicle	\$ _____	\$ 146.00
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ 10.00
Installment payments		
Motor Vehicle	\$ _____	\$ 0.00
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: <u>Legal Fees from Trial</u>	\$ _____	\$ 100.00
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>Prison Commissary</u>	\$ _____	\$ 200.00
Total monthly expenses:	\$ 260.00	\$ 3716.00

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 was the sole bread winner for many years until becoming incarcerated in 2018. My wife now works as a case management consultant and barely makes enough to pay our monthly bills. I don't even make enough as a GED tutor in prison to pay for monthly commissary. The filing fee is just too much for us at this time. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/20, 20

(Signature)