

22-5852

Application No. 21A622

Case No. \_\_\_\_\_

**In the  
Supreme Court of the United States of America**

**brent evan webster dba BRENT EVAN WEBSTER – Petitioner**

**v.**

**Select Portfolio Servicing, Inc. – Defendants,**

**ORIGINAL**

Supreme Court, U.S.  
FILED

MAY 23 2022

OFFICE OF THE CLERK

**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:**

☒ [ X ] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): Oregon Supreme Court, US District Court, 9<sup>th</sup> Circuit Court, US Supreme Court.

☐ [ ] 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.

By brent evan webster dba BRENT EVAN WEBSTER 9-28-2022  
brent evan webster dba BRENT EVAN WEBSTER

**RECEIVED**

OCT 13 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## AFFIDAVIT OR DECLARATION

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

I, brent evan webster dba BRENT EVAN WEBSTER, am the petitioner in the above-entitled case. In support of a motion to proceed in forma pauperis, I state that because of my perpetual state, I am not able to pay the costs of this case or 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 Approx.	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>264.00</u>	\$ <u>N/A</u>	\$ <u>150.00</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Gifts	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Child Support	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>245.00</u>	\$ <u>N/A</u>	\$ <u>245.00</u>	\$ <u>N/A</u>
Other (specify):	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	<b>\$ <u>509.00</u></b>	<b>\$ <u>N/A</u></b>	<b>\$ <u>395.00</u></b>	<b>\$ <u>N/A</u></b>

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
<u>Webster Tech</u>	<u>8701 SE Cottrell Rd.</u>	<u>1998 – Present</u>	\$ <u>528.00</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

4. How much cash do you and your spouse have? \$37.00

Below, states 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
<u>B of A</u>	<u>Checking</u>	<u>\$63.42</u>	<u>N/A</u>

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 <u>N/A</u>	Value <u>N/A</u>
<b>Motor Vehicle #1</b>	<b>Motor Vehicle #2</b>
Year, make & model <u>1996 Dodge Dakota</u>	Year, make & model <u>1982 Volk Rabbit</u>
Value <u>\$500.00</u>	Value <u>\$700.00</u>

**Other Assets**

Description N/A

Value N/A

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

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	<u>\$ N/A</u>	<u>\$ N/A</u>

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

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</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>00.00</u>	\$ <u>N/A</u>
Are real estate taxes included?	[ ] Yes [X] No	
Is property insurance included?	[ ] Yes [X] No	
Utilities (electricity, heating fuel, water, sewer, telephone)	\$ <u>100.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>150.00</u>	\$ <u>N/A</u>
Food	\$ <u>245.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>00.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>00.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>00.00</u>	\$ <u>N/A</u>
Transportation (not including motor vehicle payments)	\$ <u>14.00</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>00.00</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>00.00</u>	\$ <u>N/A</u>
Life	\$ <u>00.00</u>	\$ <u>N/A</u>
Health	\$ <u>00.00</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>00.00</u>	\$ <u>N/A</u>
Other:	\$ <u>00.00</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>00.00</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>00.00</u>	\$ <u>N/A</u>
Department store( s)	\$ <u>00.00</u>	\$ <u>N/A</u>
Other:	\$ <u>00.00</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>00.00</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>00.00</u>	\$ <u>N/A</u>
Other (specify)	\$ <u>00.00</u>	\$ <u>N/A</u>
 <b>Total monthly expenses</b>	 \$ <u>509.00</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 line Below.

The economy has dwindled the last couple years causing my minimal income to decrease.

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 for this case.

It has been very difficult affording this case due to physical injuries and the state of the economy, but I have tried to the best of my abilities. I hope to be granted pauper status so I can complete this action to find remedy and gain relief.

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

Executed on: September 28, 2022

brent evan webster dba BRENT EVAN WEBSTER 9-28-2022

brent evan webster dba BRENT EVAN WEBSTER

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Brent Evan Webster appeals pro se from the district court's judgment dismissing his appeal from the bankruptcy court's order denying any relief sought in his "objections to no evidence hearings on April 30, 2020," in his adversary proceeding against Select Portfolio Servicing, Inc. We have jurisdiction under 28

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

Submitted September 14, 2021\*\*

Appeal from the United States District Court  
for the District of Oregon  
Michael W. Mosman, District Judge, Presiding

MEMORANDUM\*

D.C. No. 3:20-cv-00875-MO

No. 20-35798

BRENT EVAN WEBSTER,  
Appellant,  
v.  
SELECT PORTFOLIO SERVICING, INC.,  
Appellee.

FOR THE NINTH CIRCUIT

UNITED STATES COURT OF APPEALS

NOT FOR PUBLICATION

APPENDIX C

FILED

SEP 16 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS



**APPENDIX C**

U.S.C. § 1291. We affirm.

In his opening brief, Webster fails to address how the district court erred by dismissing his appeal for lack of jurisdiction. As a result, Webster has waived his challenge to the district court's order. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”); *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . . .”).

We do not consider matters raised for the first time on appeal. *See Mano-Y & M, Ltd. v. Field (In re Morig. Store, Inc.)*, 773 F.3d 990, 998 (9th Cir. 2014); *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**





By: Nixon Antonio Callejas Morales  
Deputy Clerk  
Ninth Circuit Rule 27-7

FOR THE COURT:  
MOLLY C. DWYER  
CLERK OF COURT

41(a) of the Federal Rules of Appellate Procedure.  
This constitutes the formal mandate of this Court issued pursuant to Rule  
date.

The judgment of this Court, entered September 16, 2021, takes effect this

BRENT EVAN WEBSTER, Appellant, v. SELECT PORTFOLIO SERVICING, INC., Appellee.	No. 20-35798 D.C. No. 3:20-cv-00875-MO U.S. District Court for Oregon, Portland MANDATE
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**FILED**  
JAN 05 2022  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
**APPENDIX C**



**APPENDIX D**  
**FILED**

UNITED STATES COURT OF APPEALS

DEC 23 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

No. 20-35784

D.C. No. 3:20-cv-00876-MO

District of Oregon,  
Portland

ORDER

BRENT EVAN WEBSTER,	Appellant,	v.	SELECT PORTFOLIO SERVICING, INC.,	Appellee.
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Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no

judge has requested a vote on whether to rehear the matter en banc. See Fed. R.

App. P. 35.

Webster's petition for panel rehearing and petition for rehearing en banc

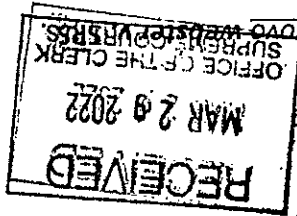
(Docket Entry No. 25) are denied. To the extent Webster requests publication of

the memorandum disposition, the request is denied.

Webster's motion for an extension of time to file a petition for rehearing

(Docket Entry No. 24) is denied as unnecessary.

No further filings will be entertained in this closed case.





The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App. P. 35.

Webster's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 23) are denied. To the extent Webster requests publication of the memorandum disposition, the request is denied.

No further filings will be entertained in this closed case.

The panel has voted to deny the petition for panel rehearing.

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

BRENT EVAN WEBSTER,	
Appellant,	
v.	
SELECT PORTFOLIO SERVICING, INC.,	
Appellee.	

No. 20-35798

D.C. No. 3:20-cv-00875-MO

District of Oregon,

Portland

ORDER

FOR THE NINTH CIRCUIT

DEC 28 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**APPENDIX D**

**FILED**

UNITED STATES COURT OF APPEALS



**Additional material  
from this filing is  
available in the  
Clerk's Office.**



