

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:

Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): Oregon Supreme Court, US District Court, 9th 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>
Total monthly income:	\$ <u>509.00</u>	\$ <u>N/A</u>	\$ <u>395.00</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
<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>

Motor Vehicle #1	Motor Vehicle #2
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	<u>N/A</u>
Value	<u>N/A</u>

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?	[<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, 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	\$ <u>00.00</u>	\$ <u>N/A</u>
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>
Total monthly expenses	\$ <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

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

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

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

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

Submitted September 14, 2021**

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

Appellee.

SELECT PORTFOLIO SERVICING, INC.

MEMORANDUM

v.

Appellant.

BRENT EVAN WEBSTER, No. 20-35798

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

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

SEP 16 2021

UNITED STATES COURT OF APPEALS

NOT FOR PUBLICATION
APPENDIX C

FILED

Case: 20-35798, 09/16/2021, ID: 12229994, DktEntry: 20-1, Page 1 of 2

(1 of 6)



AFFIRMED.

Padgett v. Wright, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Ex M, Ltd. v. Field (In re Mortg. Store, Inc.), 773 F.3d 990, 998 (9th Cir. 2014);

We do not consider matters raised for the first time on appeal. See *Mano-Y*

preserve a claim . . .”).

will not manufacture arguments for an appellant, and a bare assertion does not

are deemed waived.”); *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We

(9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief

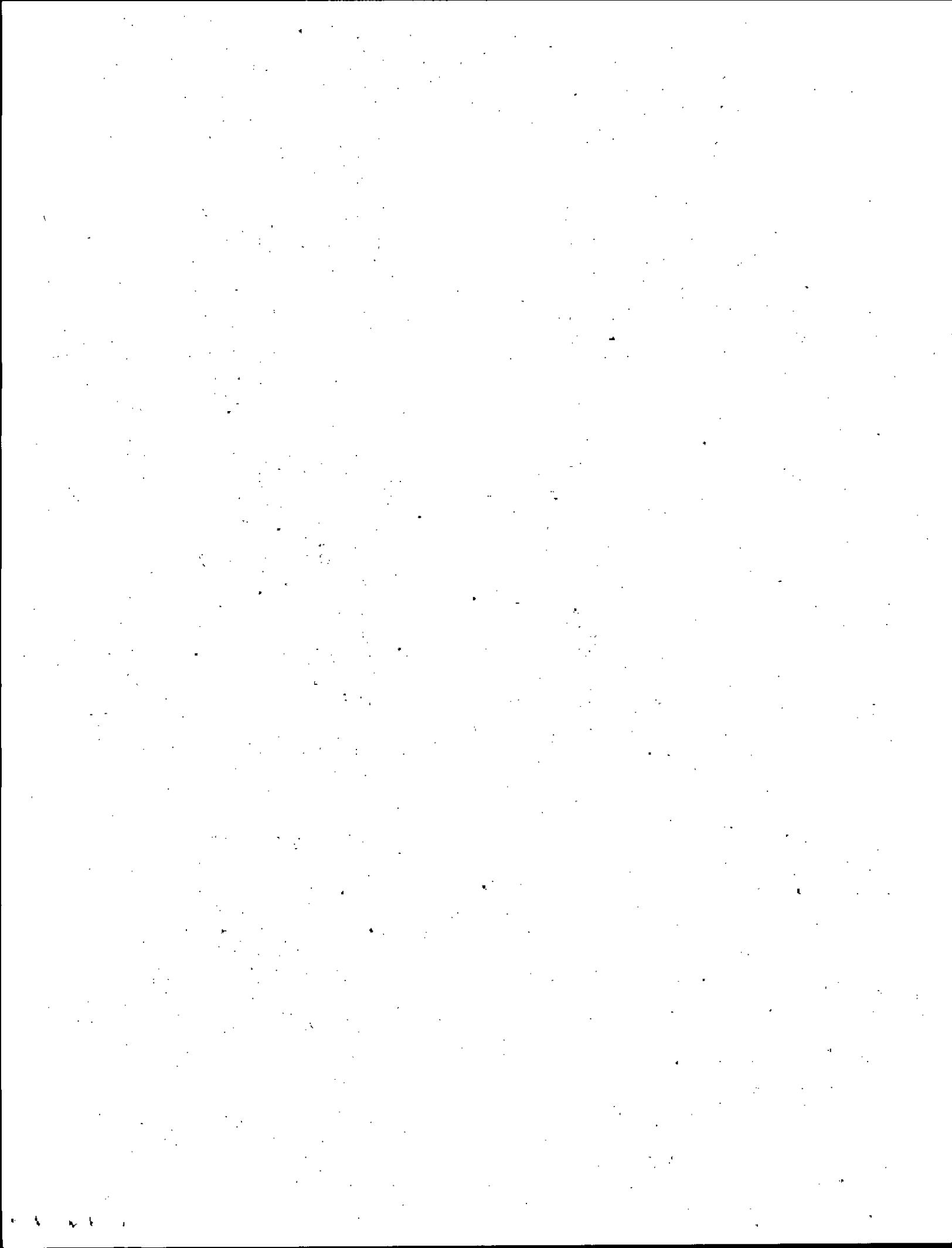
challenge to the district court’s order. See *Smith v. Marsh*, 194 F.3d 1045, 1052

dismissing his appeal for lack of jurisdiction. As a result, Webster has waived his

In his opening brief, Webster fails to address how the district court erred by

U.S.C. § 1291. We affirm.

APPENDIX C



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

CLERK OF COURT
MOLLY C. DWYER

FOR THE 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

Appellee.

INC.,

SELECT PORTFOLIO SERVICING,

v.

Appellant,

BRENT EVAN WEBSTER,

No. 20-35798

MANDATE

Portland

U.S. District Court for Oregon,

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

JAN 05 2022

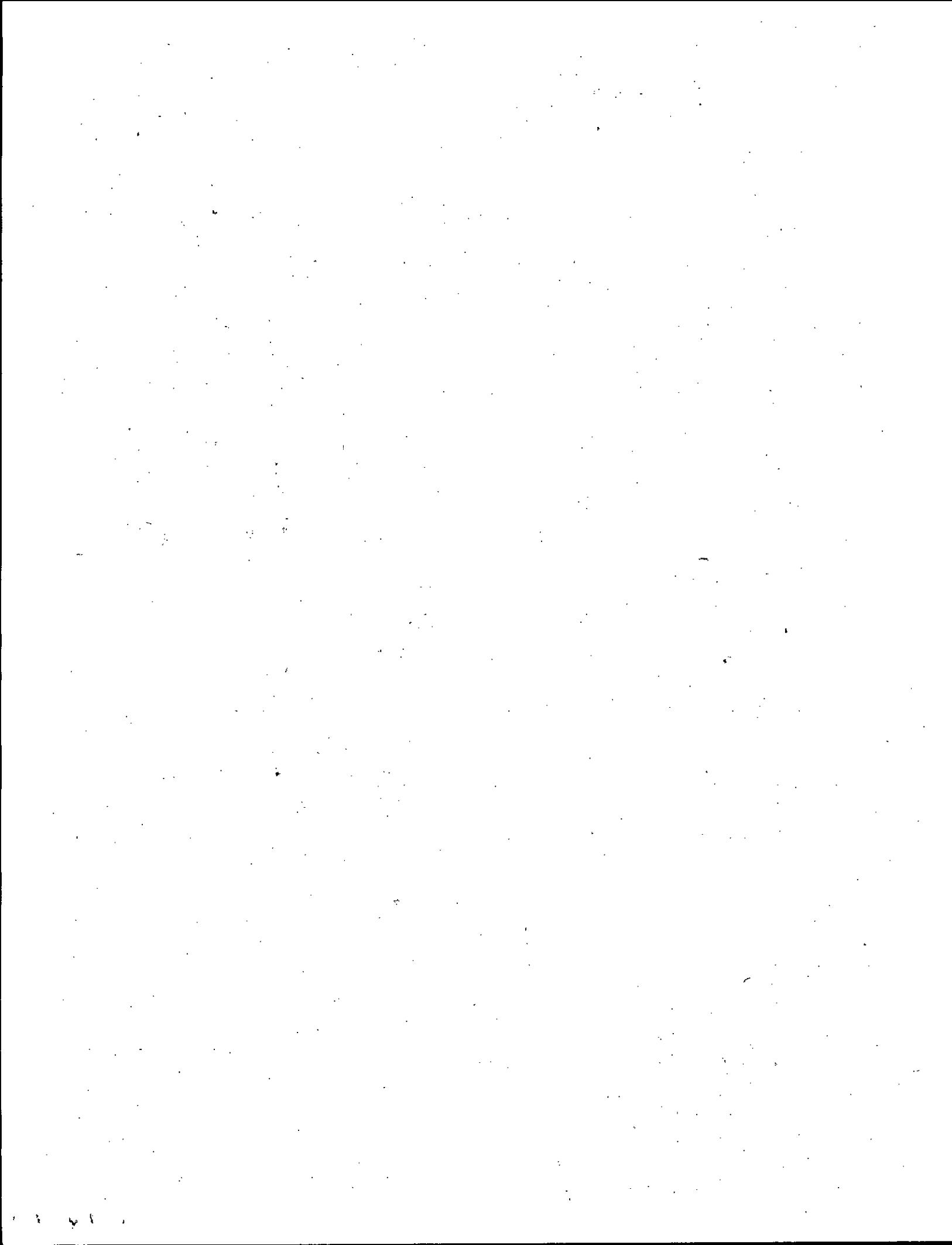
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UNITED STATES COURT OF APPEALS

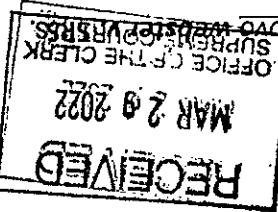
FOR THE NINTH CIRCUIT

APPENDIX C

U.S. COURT OF APPEALS

MOLLY C. DWYER, CLERK





No further filings will be entertained in this closed case.

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

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

the memorandum disposition, the request is denied.

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

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

App. P. 35.

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

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

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

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

Appellee.

SELECT PORTFOLIO SERVICING, INC.,

ORDER

Portland

District of Oregon,

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

Appellant,

v.

BRENT EVAN WEBSTER,

No. 20-35784

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

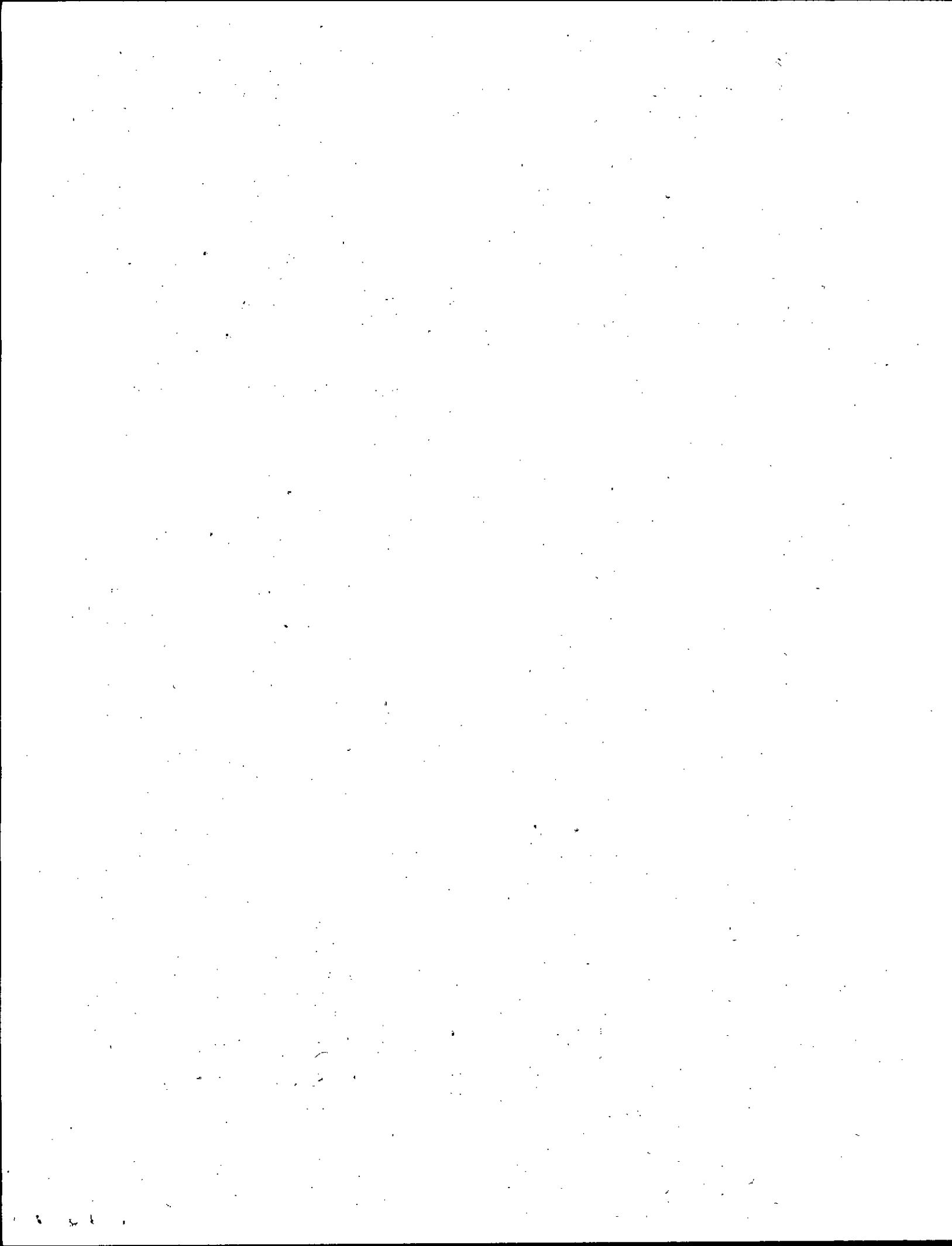
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FOR THE NINTH CIRCUIT

UNITED STATES COURT OF APPEALS

APPENDIX D

FILED



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APPENDIX D
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEC 28 2021
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BRENT EVAN WEBSTER,
No. 20-35798
Appellant,
D.C. No. 3:20-cv-00875-MO
District of Oregon,
Portland
ORDER
SELECT PORTFOLIO SERVICING, INC.,
Appellee.

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

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.

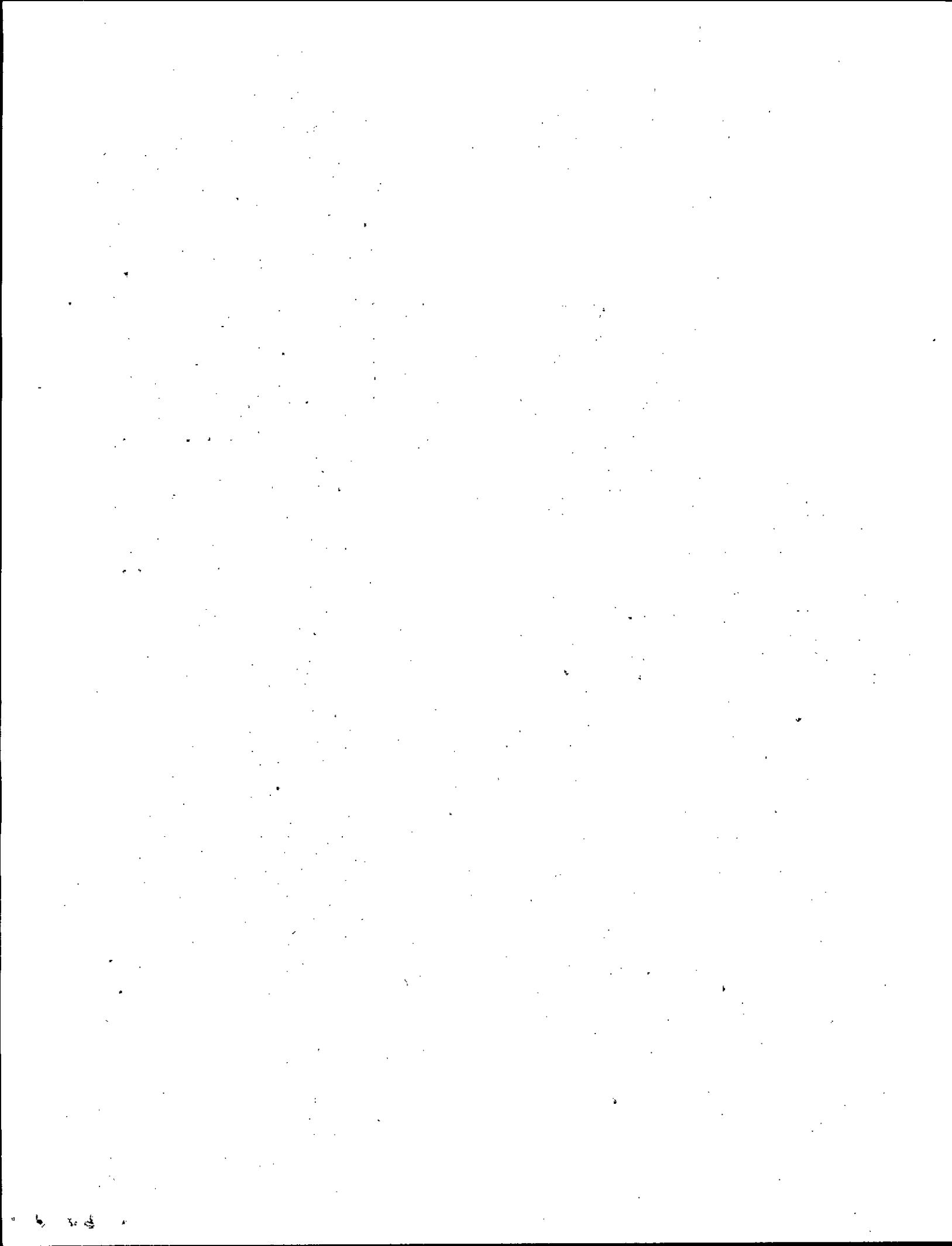
App. P. 35.

(Docket Entry No. 23) are denied. To the extent Webster requests publication of

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

the memorandum disposition, the request is denied.

No further filings will be entertained in this closed case.



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

