

22-6030

No.

Term

ORIGINAL

FILED
OCT 27 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re:

Jason Paul Maple
Petitioner, Pro se

On Motion for Leave to proceed In Forma Pauperis
on Petition for Writ of Mandamus
to the United States Court of Appeals
for the Third Circuit (No. 20-2514)

MOTION FOR IN FORMA PAUPERIS

Jason Paul Maple
Pro se
Prisoner No. HV3555
SCI Mercer
801 Butler Pike
Mercer, PA 16137

AND NOW, comes Petitioner, Jason P. Maple, *Pro se*; pursuant to United States Supreme Court Rule 39; and hereby moves this Honorable Court for leave to proceed In Forma Pauperis ("IFP") with the litigation of matters relative to the filing of his Petition for Writ of Mandamus to the United States Court of Appeals for the Third Circuit. In support thereof, aver as follows:

1. Petitioner is a *Pro se* litigant, Prisoner No. HV3555, who is housed at SCI Mecer, 801 Butler Pike, Mercer, PA 16137.
2. Previously, on April 24, 2017, Petitioner presented the United States District Court for the Western District of Pennsylvania ("Western District") a timely *Pro se* Petition for Writ of Habeas Corpus (28 U.S.C. § 2254); amended August 21, 2017.
3. In tandem with his Habeas petition, Petitioner also motioned the Western District for leave to proceed IFP. On April 25, 2017, the Western District GRANTED Petitioner IFP status.
4. On June 30, 2020, the Western District entered final judgment in the matter, granting Writ of Habeas Corpus and vacating Petitioner's conviction.
5. On July 20, 2020, counsel for the Respondent in the case filed a Notice of Appeal to the Western District's judgment. On July 30, 2020, retained counsel, Christopher Cappozzi (100 Ross Street, Suite 340, Pittsburgh, PA 15219), entered his appearance on behalf of Petitioner regarding the litigation of matters relative to the appeal.
6. On December 13, 2021, the United States Court of Appeals for the Third Circuit ("Third Circuit") entered its judgment, reversing and remanding the matter back to the Western District for denial of the Writ. Petitioner's contract with Capozzi then ceased.
7. On December 23, 2021, Petitioner presented the Thrid Circuit with a timely *Pro se*

Petition for Rehearing (Fed.R.App.P. 35, 40). In tandem, Petitioner also motioned the Third Circuit for leave to proceed IFP.

8. On January 27, 2022, the Third Circuit denied Petition for Rehearing.

9. On April 13, 2022, Petitioner presented the Supreme Court of the United States ("SCOTUS") with a timely *Pro se* Petition for Writ of Certiorari to the Third Circuit. In tandem, Petitioner also motioned SCOTUS for leave to proceed IFP.

10. On June 27, 2022, Petition for Writ of Certiorari was denied. On June 11, 2022, Petitioner presented SCOTUS with a timely *Pro se* Petition for Reargument; and on August 22, 2022, Petition for Reargument was denied.

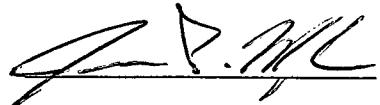
11. Petitioner now presents SCOTUS with a *Pro se* Petition for Writ of Mandamus (28 U.S.C. § 1651); and hereby motions this Court for leave to proceed IFP with litigation of matters relative to.

12. As is shown by the attached Affidavit of Poverty, Petitioner currently holds an indigent status and is unable to afford costs associated with the litigation of the Mandamus petition.

13. IFP status will permit Petitioner to prepare his filings as a *Pro se* litigant - an inmate who is confined in an institution and not represented by counsel - as dictated by SCOTUS rule.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant him
IPF status in proceedings relative to the litigation of his Petition for Writ of Mandamus.

Submitted By:



Jason Paul Maple, *Pro se*
Prisoner No. HV3555
SCI Mercer
801 Butler Pike
Mercer, PA 16137

Date:

11-3-22

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

I, JASON PAUL MAPLE, 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>≈ 1,008</u> | \$ <u>N/A</u> | \$ <u>≈ 84.</u> | \$ <u>N/A</u> |
| Self-employment | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Income from real property (such as rental income) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Interest and dividends | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Gifts | \$ <u>≈ 1,200</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Alimony | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Child Support | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Disability (such as social security, insurance payments) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Unemployment payments | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Public-assistance (such as welfare) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Other (specify): <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Total monthly income: | \$ <u>2,208</u> | \$ <u>N/A</u> | \$ <u>≈ 84.</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 |
|--------------------------------|---|--------------------------------|------------------------------|
| PA DOC - SC1 MERCER. N/A | 801 BUTLER PIKE, MERCER, PA 16137 | 11-3-20 THROUGH 11-3-22. | \$ ≈ 84. \$ N/A \$ 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.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | N/A | N/A | \$ N/A |
| N/A | N/A | N/A | \$ N/A |
| N/A | N/A | N/A | \$ N/A |

4. How much cash do you and your spouse have? \$ 234

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 |
|---|-----------------|------------------------|
| INSTITUTIONAL ACCOUNT | \$ 234 | \$ N/A |
| N/A | \$ N/A | \$ N/A |
| N/A | \$ N/A | \$ 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 N/A

Other real estate
Value N/A

Motor Vehicle #1
Year, make & model N/A
Value N/A

Motor Vehicle #2
Year, make & model N/A
Value N/A

Other assets
Description N/A
Value N/A

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 |
|---------------------------------------|--------------------|----------------------------|
| N/A | \$ N/A | \$ N/A |
| N/A | \$ N/A | \$ N/A |
| N/A | \$ N/A | \$ 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").

| Name | Relationship | Age |
|------|--------------|-----|
| N/A | N/A | N/A |
| N/A | N/A | N/A |
| N/A | N/A | 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) | \$ N/A | \$ N/A |
| Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ N/A | \$ N/A |
| Home maintenance (repairs and upkeep) | \$ N/A | \$ N/A |
| Food | \$ ≈ 40. | \$ N/A |
| Clothing | \$ N/A | \$ N/A |
| Laundry and dry-cleaning | \$ N/A | \$ N/A |
| Medical and dental expenses | \$ N/A | \$ N/A |

| | You | Your spouse |
|---|------------------|---------------|
| Transportation (not including motor vehicle payments) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>≈ 40.</u> | \$ <u>N/A</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Life | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Health | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Motor Vehicle | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Other: <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Credit card(s) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Department store(s) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Other: <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Alimony, maintenance, and support paid to others | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Other (specify): <u>ACT 84 DEDUCTIONS (%25)</u> | \$ <u>≈ 40.</u> | \$ <u>N/A</u> |
| Total monthly expenses: | \$ <u>≈ 120.</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? N/A

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

N/A

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? N/A

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

N/A

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

COSTS ASSOCIATED WITH RESEARCH, PREPARATION, PRINTING,
COPYING, AND MAILING OF MATTERS RELATIVE TO LITIGATION
OF PETITIONER'S CASE.

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

Executed on: NOVEMBER 3, 2022


(Signature)