

22-6243
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Darrell Berry ET. AL.
(Your Name)

- PETITIONER

Supreme Court, U.S.
FILED

AUG - 5 2022

OFFICE OF THE CLERK

VS.

Wells Fargo Bank, N.A. ET. AL

- 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*.

Please check the appropriate boxes:

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

19th Judicial District Court, East Baton Rouge, Parish, United States District Court Middle District of Louisiana (Baton Rouge), United States Court of Appeals for the Fifth Circuit

☐ 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 in support is not attached because the court below appointed counsel in the current proceeding; and:

☐ The appointment was made under the following provision of law: _____

A copy of the order of appointment is appended.


(Signature)

RECEIVED

DEC - 6 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Darrell Berry, 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 therefore; 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, bi-weekly, 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 | \$ 2600 | \$ 0 | \$ 2600 |
| Self-employment | \$ 829.00 | \$ 0 | Don't know | \$ 0 |
| Income from Real property (such as rental income) | \$ 0 | \$ 500 | \$ 0 | \$ 500 |
| Interest and Dividends | \$ 0 | 0 | \$ 0 | 0 |
| Gifts | \$ 0 | 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: _____) | \$ 0 | | | |
| Total Monthly income | \$ 829.00 | \$ 3100 | Don't know | \$ 3100 |

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 |
|---------------|--|--------------------------|-------------------|
| Self Employed | 8338 Greenmoss Dr. Baton Rouge, LA 70806 | November 2018 to present | \$ 829 |
| | | | \$ |
| | | | \$ |

3. List your spouse's 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 |
|----------------------|------------------------------------|--------------------------|-------------------|
| A Absolute Home Care | 707 Railroad Donaldsonville, LA | February 2012 to present | \$ 2600 |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 201

Below, state any money you or your spouse have in bank accounts or any other institutions

| Financial institution | Type of Account | Amount you have | Amount your spouse has |
|-----------------------|------------------|-----------------|------------------------|
| NFCU | Checking/Savings | \$ 201 | \$ 0 |
| | | \$ 0 | \$ 0 |
| | | \$ 0 | \$ 0 |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinarily household furnishing.

☒ Home

Value In litigation

☒ Other Real Estate

Value \$ 26,000 (Rental)

☒ Motor Vehicle #1

Year, make & model 2008 H2 Hummer

Value \$ 2,000 Inoperable

☒ Motor Vehicle #2

Year, make & model 2011 GMC Terrain

Value \$2,000

☒ Other Assets

Description 2020 GMC Terrain

Value \$16,000

6. State every person, business, or organization owing you or your spouse, 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> |
| <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| <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>Rhikki Lafayette</u> | <u>Daughter</u> | <u>29</u> |
| <u>Najee Berry</u> | <u>Son</u> | <u>25</u> |
| <u>Ofari Berry</u> | <u>Son</u> | <u>24</u> |
| <u>A. L.</u> | <u>Grandson</u> | <u>3</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>In dispute Litigating</u> | \$ <u>500 (Rental)</u> |
| Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Utilities (electricity, heating fuel, Water, sewer, and telephone) | \$ <u>504</u> | \$ <u></u> |
| Home maintenance (repairs and upkeep) | \$ <u>54</u> | \$ <u></u> |
| Food | \$ <u></u> | \$ <u>306</u> |
| Clothing | \$ <u>0</u> | \$ <u>72</u> |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ <u>63</u> |
| Medical and dental expenses | \$ <u>0</u> | \$ <u>56</u> |
| | | |

| | You | Your Spouse |
|---|--------------------------|-------------|
| Transportation (not including motor vehicle payments) | \$ 126 | \$ 225 |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 0 | \$ 0 |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ 270 | \$ |
| Life | \$ 0 | \$ 130 |
| Health | \$ 0 | \$ 161 |
| Motor Vehicle | \$ 147 | \$ 330 |
| Other, _____ | \$ 0 | \$ 0 |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ N/A | \$ N/A |
| Installment payments | | |
| Motor Vehicle | \$ 0 | \$ 751 |
| Credit card(s) | \$ | \$ 150 |
| Department Store(s) | \$ 0 | \$ 0 |
| Other, _____ | \$ 0 | \$ 0 |
| Alimony, maintenance and support paid to others | \$ 0 | \$ 0 |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ Phone 36 \$ Gas 96 | \$ 0 |
| Other (specify): _____ | \$ 0 | \$ 0 |
| Total monthly expenses: | \$ 1,233 | \$ 2,744 |
| | | |

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 connected 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 cost of this case.

Filing fees for the court can easily range from several hundred to several thousands of dollars. More so because we were not granted an injunction to stop the foreclosure to stop the sale of our home, we had to file bankruptcy. In doing so we no longer have the income and access to credit we once had.

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

Executed on: October 12, 2022



Signature

No. **22-6243**

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Constance Lafayette ET. AL.
(Your Name)

- PETITIONER

Supreme Court, U.S.
FILED

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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:

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19th Judicial District Court, East Baton Rouge, Parish, United States District Court
Middle District of Louisiana (Baton Rouge), United States Court of Appeals for the Fifth
Circuit

☐ 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 in support is not attached because the court below appointed counsel in the current proceeding; and:

☐ The appointment was made under the following provision of law: _____

A copy of the order of appointment is appended.

Constance Lafayette
(Signature)

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

I, Constance Lafayette, 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 therefore; 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, bi-weekly, 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 | \$ 2600 | \$ 0 | \$ 2600 | \$ 0 |
| Self-employment | \$ 0 | \$ 829.00 | \$ | Don't know |
| Income from Real property (such as rental income) | \$ 500 | \$ 0 | \$ 500 | \$ 0 |
| Interest and Dividends | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Gifts | \$ 0 | \$ 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: _____) | \$ 0 | \$ 0 | \$ 0 | |
| Total Monthly income | \$ 3100 | \$ 829.00 | \$ 3100 | Don't know |

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 |
|----------------------|---------------------------------|--------------------------|-------------------|
| A Absolute Home Care | 707 Railroad Donaldsonville, LA | February 2012 to present | \$ 2600 |
| | | | \$ |
| | | | \$ |

3. List your spouse's 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 |
|---------------|--|--------------------------|-------------------|
| Self Employed | 8338 Greenmoss Dr. Baton Rouge, LA 70806 | November 2018 to present | \$ 829 |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 201

Below, state any money you or your spouse have in bank accounts or any other institutions

| Financial institution | Type of Account | Amount you have | Amount your spouse has |
|-----------------------|-----------------|-----------------|------------------------|
| Neighbors Federal | Checking/Saving | \$ | \$ 201 |
| | | \$ | \$ |
| | | \$ | \$ |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinarily household furnishing.

☒ Home Value \$26000 ☒ Other Real Estate Value In Litigation

☒ Motor Vehicle #1 Year, make & model 2011 GMC Terrain Value \$ 2,000 ☒ Motor Vehicle #2 Year, make & model 2020 GMC Terrain Value 16,000

☒ Other Assets Description Hummer H2 2008 Value \$ 2,000 in operable

6. State every person, business, or organization owing you or your spouse, 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> |
| <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| <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>Rhikki Lafayette</u> | <u>Daughter</u> | <u>29</u> |
| <u>Najee Berry</u> | <u>Son</u> | <u>25</u> |
| <u>Ofari Berry</u> | <u>Son</u> | <u>24</u> |
| <u>A. L.</u> | <u>Grandson</u> | <u>3</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) Home | Rent \$ 500 | Home \$ In dispute Litigating |
| Are real estate taxes included? <input checked="" 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) | \$ | \$ 504 |
| Home maintenance (repairs and upkeep) | \$ | \$ 54 |
| Food | \$ 306 | \$ |
| Clothing | \$ 72 | \$ 0 |
| Laundry and dry-cleaning | \$ 63 | \$ 0 |
| Medical and dental expenses | \$ 56 | \$ 0 |

| | You | Your Spouse |
|---|-----------------|--|
| Transportation (not including motor vehicle payments) | \$ <u>225</u> | \$ <u>126</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ <u>0</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | Renters \$ | Home \$ <u>270</u> |
| Life | \$ <u>130</u> | \$ <u>0</u> |
| Health | \$ <u>161</u> | \$ <u>0</u> |
| Motor Vehicle | \$ <u>330</u> | \$ <u>147</u> |
| Other, _____ | \$ <u>0</u> | \$ <u>0</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>751</u> | \$ <u>0</u> |
| Credit card(s) | \$ <u>150</u> | \$ _____ |
| Department Store(s) | \$ <u>0</u> | \$ <u>0</u> |
| Other, _____ | \$ <u>0</u> | \$ <u>0</u> |
| Alimony, maintenance and support paid to others | \$ <u>0</u> | \$ <u>0</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>0</u> | \$ <u>36 Phone</u> \$ <u>96 Gas</u> |
| Other (specify): _____ | \$ <u>0</u> | \$ <u>0</u> |
| Total monthly expenses: | \$ <u>2,744</u> | \$ <u>1,233</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? _____

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 connected 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 cost of this case.

Filing fees for the court can easily range from several hundred to several thousands of dollars. More so because we were not granted an injunction to stop the foreclosure to stop the sale of our home, we had to file bankruptcy. In doing so we no longer have the income and access to credit we once had.

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

Executed on: October 12, 2022



Signature

Number _____

In the Supreme Court of the United States

DARRELL BERRY; CONSTANCE LAFAYETTE

Petitioners

WELLS FARGO BANK, N.A.; FEDERAL HOME LOAN MORTGAGE
CORPORATION, "Freddie Mac" as trustee for securitized trust;
LOANCITY; FREDDIE MAC MULTICLASS CERTIFICATES SERIES
3113 TRUST; MORTGAGE ELETRONIC REGISTRATION SYSTEM,
"MERS"; DOES 1 through 100 "inclusive", et al.

Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

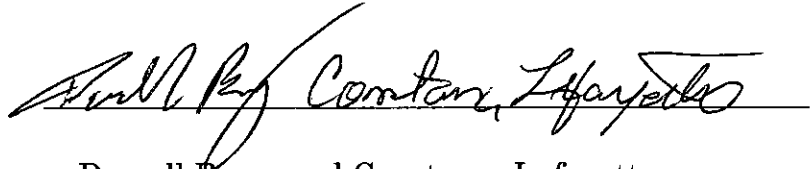
Petitioners' Memorandum Regarding Informa Pauperis Status

Darrell Berry and Constance Lafayette
Pro Se Petitioners
8338 Greenmoss Drive
Baton Rouge, LA 70806
(Phone): 225.610.8633

Now Comes Darrell Berry and Constance Lafayette requesting the Court to approve the Informa Pauperis status due to the economic hardship caused by this case and the fact that a new Writ of Seizure has been issued by the Sherriff's Office for foreclosure to occur on October 19, 2022 in case number C-656991 See Exhibit 1. The Writ of Certiorari submitted to this Honorable Court in August 2022, stated as long as the Active Writ in case C-656991 was allowed to stand as true the Berrys were in jeopardy based upon falsified documents created and used by Wells Fargo, MERS and Freddie Mac who are also named in this new Court Petition because they are the initial wrongful actors causing the harm to Petitioners see Exhibit 1. The current Writ of Seizure using the same falsified documents has now been activated.

Trying to deal with two concurrent cases in the Supreme Court and the 19th Judicial District Court has become overbearing mentally, and especially monetarily as Pro Se Litigants; therefore, we are in dire need for you to approve the Informa Pauperis Status. This is also evidence that Writ of Certiorari should also be accepted as those in the mortgage industry continue to use unfair and deceptive practices against millions of homeowners in the same manner. A decision from the Supreme Court would arrest this perpetual fraudulent behavior by the same bad actors. These bad actors according to the evidence, caused the 2007-2008 mortgage crisis and the conditions for a similar crisis is projected to occur within the next 5-10 years.

Respectfully Submitted this 30th day of November 2022.

A handwritten signature in black ink, appearing to read "Darrell Berry and Constance Lafayette", written over a horizontal line.

Darrell Berry and Constance Lafayette
Pro Se Petitioners
8338 Greenmoss Drive
Baton Rouge, LA 70806
(Phone): 225.610.8633

1220 Sept. 1-30 301



**Public Notices
Sheriff Sales**

SHERIFF'S SALE

Suit No: (17) 656991

**WELLS FARGO BANK, N.A.
vs. DARRELL KENDRICK
BERRY AND CONSTANCE
LAFAYETTE BERRY**

**Baton Rouge, LA
19th Judicial District
Parish of East Baton Rouge
State of Louisiana**

Acting under and by virtue of Writ of Seizure and Sale issued out of the honorable court aforesaid, in the above entitled and numbered cause, dated, April 13, 2018 and to me directed, I did seize and will, beginning at 10:00 o'clock a.m. on October 19, 2022, in the lobby of the City Hall located at 222 St. Louis St., offer for sale at public auction the following described mortgaged property belonging to: **DARRELL KENDRICK BERRY AND CONSTANCE LAFAYETTE BERRY**

ONE (1) CERTAIN PARCEL OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, and privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of East Baton Rouge, State of Louisiana, being designated as LOT D-1 of the Joe Roppolo, et al Tract located in Section 69, 68 and 71, T7S, R1E, G.L.D. on the official map of said tract on file and of record in the office of the Clerk and Recorder for said parish and state, revised August 4, 1980, to show the resubdivision of Lot B to create Lots B-1, C and D to form Lots B-1-A and D-1 measuring One Hundred (100) feet front on Greenmoss Drive by a depth of One Hundred Fifty-Two (152) feet between equal and parallel lines and being subject to a fifteen (15) foot utility servitude across the rear, all as more fully shown on the official recorded map and map revisions; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

TERMS OF SALE:
Cash to the highest bidder,
at Public Auction WITH Appraisal and according to law.

**Sid J. Gautreaux, Sheriff
East Baton Rouge Parish**

**ADVERTISED DATE
September 16, 2022
October 17, 2022**

30672T

EXHIBIT 1