

22-6486

Docket No.:

ORIGINAL

SUPREME COURT OF THE UNITED STATES

MR. ATIQ AKEEM WESTON,
PETITIONER

v.

MICHAEL CAPRA,
RESPONDENT

Supreme Court, U.S.
FILED

JAN 03 2022

OFFICE OF THE CLERK

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

WITH THIS MOTION APPLICATION, THE PETITIONER HUMBLY REQUESTS LEAVE TO FILE THE ATTACHED PETITION FOR A WRIT OF CERTIORARI WITHOUT THE PREPAYMENT OF COSTS AND TO PROCEED AS IN FORMA PAUPERIS STATUS.

THE PETITIONER HAS PREVIOUSLY BEEN GRANTED PERMISSION TO PROCEED IN POOR PERSON STATUS AND/OR IN FORMA PAUPERIS STATUS IN THE FOLLOWING COURTS:

- THE PETITIONER WAS GRANTED POOR PERSON STATUS IN ALL OF THE STATE COURT PROCEEDINGS, AS FOLLOWS: SEE PEOPLE V. WESTON, 145 AD3D 746 (2ND DEPT. 2016); PEOPLE V. WESTON, 29 NY3D 1088 (N.Y. COURT OF APPEALS 2017); AND IN BOTH POST-CONVICTION COLLATERAL PROCEEDINGS WITHIN THE TRIAL COURT OF THE ORANGE COUNTY SUPREME COURT (GOSHEN, NY): 1) 07/02/15 CPL 3440.10 PROCEEDINGS AND 2) 08/02/17 CPL 3440.10 PROCEEDINGS.
- THE PETITIONER WAS GRANTED IN FORMA PAUPERIS STATUS WITHIN THE U.S. DISTRICT COURT (SOUTHERN DISTRICT) PROCEEDINGS, AS FOLLOWS: WESTON V. CAPRA, 18-cv-05770, 2022 WL 1811161 (SDNY 04/13/22); WESTON V. CAPRA, 18-cv-05770, 2022 WL 2914506 (SDNY 07/25/22)
- THE U.S. COURT OF APPEALS (2ND CIRCUIT) RULED THAT THE "IFP MOTION IS DENIED AS UNNECESSARY" BEING THAT A CERTIFICATE OF APPEALABILITY ("COA") WAS BEING DENIED AND THE APPEAL DISMISSED AS A CONSEQUENCE.
SEE, WESTON V. CAPRA, *22-1688 (2ND CIRCUIT 12/15/22). [UNPUBLISHED OPINION]

THE PETITIONER'S AFFIDAVIT AND DECLARATION IN SUPPORT OF THE INSTANT
IN FORMA PAUPERIS APPLICATION IS ATTACHED HERETO.

DATED: DECEMBER 25TH, 2022.

RESPECTFULLY,
x Atiq Akram Weston
NYR Atiq Akram Weston #14A2762
UPSTATE CORRECTIONAL FACILITY
309 BARE HILL ROAD, P.O. BOX 2000
MADONE NEW YORK 12953.

*I DECLARE UNDER THE PENALTY OF PERJURY, A CLASS "A" MISDEMEANOR, THAT ALL
OF THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT. AW*

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

I, ATIQ ALKHEEM WESTON, 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>N/A</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>0</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
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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ N/A
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

(- REMAINDER OF 2020 COVID STIMULUS PAYMENTS -)

Financial institution	Type of account	Amount you have	Amount your spouse has
PRISON	INMATE ACCOUNT	\$ Approx. \$500.00	\$ 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 _____

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

☐ Other assets
Description N/A
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

N/A

Amount owed to you

\$
\$
\$

Amount owed to your spouse

\$
\$
\$

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

Name

N/A

Relationship

Age

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 \$

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ N/A \$

Home maintenance (repairs and upkeep)

\$ N/A \$

Food, Hygiene, supplies

\$ approx. \$40.00 \$ N/A

Clothing

\$ N/A \$

Laundry and dry-cleaning

\$ N/A \$

Medical and dental expenses

\$ N/A \$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u> </u>
Recreation, entertainment, newspapers, magazines, etc. ^{BOOKS}	\$ <u>\$20.00</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		

	You	Your spouse
Homeowner's or renter's	\$ <u> </u>	\$ <u> </u>
Life	\$ <u> </u>	\$ <u> </u>
Health	\$ <u> </u>	\$ <u> </u>
Motor Vehicle	\$ <u> </u>	\$ <u> </u>
Other: <u> </u>	\$ <u> </u>	\$ <u> </u>

	You	Your spouse
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u> </u>

	You	Your spouse
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u> </u>
Credit card(s)	\$ <u>N/A</u>	\$ <u> </u>
Department store(s)	\$ <u>N/A</u>	\$ <u> </u>
Other: <u> </u>	\$ <u>N/A</u>	\$ <u> </u>

	You	Your spouse
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u> </u>

	You	Your spouse
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u> </u>

	You	Your spouse
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u> </u>

	You	Your spouse
Total monthly expenses:	\$ <u>N/A</u>	\$ <u> </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.

LEGAL POSTAGE; PHOTOCOPIES; COURT FILING FEES; COSTS OF STAMPS FOR FAMILY COMMUNICATIONS; HYGIENE. THE COSTS OF PROSECUTION IS BECOMING FINANCIALLY BURDENSOME.

• IN ADDITION TO THESE APPEAL PROCEEDINGS, I CURRENTLY HAVE FOUR (4) OTHER PENDING, PRO-SE, LEGAL PROCEEDINGS, AS LISTED BELOW IN #12;

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:

UNABLE TO AFFORD AN ATTORNEY.

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 (1,068 photocopies = \$85.44) + (COSTS OF POSTAGE)

If yes, how much? Approximately \$85.44 ; for LEGAL POSTAGE AND PHOTOCOPIES.

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

UPSTATE CORRECTIONAL FACILITY; LAW LIBRARY & MAIL ROOM.
(PHOTOCOPIES) (POSTAGE)

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

- 1) PENDING, PRO-SE, 42 U.S.C. § 1983 CIVIL SUIT (SEE, WESTON V. C. BAINE, ET AL, #22-CV-00621 (LEK) (ATB))
- 2) PENDING, PRO-SE, ARTICLE 78 PROCEEDINGS (SEE, WESTON V. LOUGHREN, #CV-22-2195 (INDEX #2493-22) (N.J. 3RD DEPT.))
- 3) PENDING, PRO-SE, COURT OF CLAIMS (SEE, WESTON V. STATE OF NEW YORK, #130884)
- 4) PENDING, PRO-SE, COURT OF CLAIMS (SEE, WESTON V. STATE OF NEW YORK, #133253)

—THE COSTS OF PRO-SE LITIGATION IS BECOMING FINANCIALLY BURDENSOME—
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: DECEMBER 25TH, 2022

Atiq Akram Weston
(Signature)

MR. ATIQ AKRAM WESTON.