

22-6785

CASE NO. _____

Supreme Court, U.S.
FILED

FEB 13 2023

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

IAN GAGE,

Petitioner,

vs.

MIDWESTERN UNIVERSITY,

Defendant

ON PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW Pro-se Petitioner Ian Gage and requests that the Court permit Petitioner to proceed in forma pauperis with regard to this Petition for Certiorari being filed on his own behalf.

Gage has not previously filed for a leave to proceed in forma pauperis, however there has been a change in circumstance in which it is now needed.

As seen in the accompanied declaration in support of this motion (in compliance with 28 U.S.C. § 1764), Gage does reside in a single income house that predominantly lives paycheck to paycheck. As shown in Gages case, since his disability, a lot of circumstance have changed outside of his control including that of his health which he is currently experiencing issues with. Without arguing issues of the case here, Gage is re-experiencing his frequent debilitating headaches among constants of other issues as well as needing other/more multiple tumor removal surgery's which in the past have required anesthesia-based outpatient operating rooms. Gages and his wife need the money they have in order to pay for the

appointments but also for her to take time off work and care for their 5-year-old, 2-year-old and 7 month old.

WHEREFORE, for the above stated reasons and pursuant to Rule 39 of the Supreme Court Rules, Petitioner requests that he be granted leave to proceed in forma pauperis.

Respectfully submitted

 Signed on February 13, 2023.

Ian Gage
Pro-se Petitioner
(602)653-5787
4110 W Eva Street
Phoenix, AZ 85051

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

I, Ian Gage, 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>None</u>	\$ <u>~10,000</u>	\$ <u>None</u>	\$ <u>~10-11,000</u>
Self-employment	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Income from real property (such as rental income)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Interest and dividends	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Gifts	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Alimony	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Child Support	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Unemployment payments	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Other (specify): <u>N/A</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Total monthly income:	\$ <u>None</u>	\$ <u>10,000</u>	\$ <u>None</u>	\$ <u>10-11,000</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
None	N/A	N/A	\$ N/A
None	N/A	N/A	\$ N/A
None	N/A	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
CNS	Various sites	Oct. 2021 onward	\$~10-12,000
Banner Health	Banner Thunderbird	July 2021 onward	\$~0-1000 PRN
Optimum Care	20414 N 27th Ave Phoenix, AZ	Feb. 2019 - June 2021	\$~1500

4. How much cash do you and your spouse have? \$ 4000 before this months Bills
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
Checking	\$ 1.60	\$ ~4000
Savings	\$ 0	\$ 0
Credit Card	\$ -4000	\$

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

☒ Home
Value ~350,000
Not owned

☒ Other real estate
Value None

☒ Motor Vehicle #1
Year, make & model 2017 Ram 1500
Value 8-10,000
Not owned

☒ Motor Vehicle #2
Year, make & model 2023 Odyssey
Value 55,000
Not owned

☐ 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
<u>None</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>None</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>None</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

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
<u>M.G.</u>	<u>Son</u>	<u>5</u>
<u>R.G.</u>	<u>Son</u>	<u>2</u>
<u>S.G.</u>	<u>Daughter</u>	<u>7mo.</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>N/A</u>	\$ <u>1638</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>N/A</u>	\$ <u>650</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>800</u>
Food	\$ <u>N/A</u>	\$ <u>1500</u>
Clothing	\$ <u>N/A</u>	\$ <u>200</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>100</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>1500</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>700</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>100</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>0</u>
Life	\$ <u>N/A</u>	\$ <u>28</u>
Health	\$ <u>N/A</u>	\$ <u>deducted from wage</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>286</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>none</u>	\$ <u>none</u>	\$ <u>none</u>
Installment payments		
Motor Vehicle	\$ <u>496</u>	\$ <u>871</u>
Credit card(s)	\$ <u>4000</u>	\$ <u>5000</u>
Department store(s)	\$ <u>none</u>	\$ <u>none</u>
Other: <u>A/c</u>	\$ <u>14,000</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>none</u>	\$ <u>none</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>Kids school</u>	\$ _____	\$ <u>1200</u>
<u>school loans ~130,000</u>		
Total monthly expenses:	\$ _____	\$ _____

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:

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:

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

See attached

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

Executed on: February 13, 2023


(Signature)

Ian Gage

Answer to questions 9 and 12 on the Declaration in support of motion for leave to proceed in forma pauperis:

I have had increased growth of numerous palpable tumors that require surgical intervention under anesthesia operations. Currently I have 8 tumors around my abdomen, back and legs which are causing me a lot of severe pain and mobility issues. We are hoping to be to pay for, budget and get ahead of a lot of the medical issues I have been having.