

No. 22-7011

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

JAN 17 2023

OFFICE OF THE CLERK

Charles Matthew Waters

- PETITIONER

vs.

Anita Marie Waters

- RESPONDENT

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.

Petitioner has been granted IFP status in the original matter heard in Nicollet County District Court, as well as the appeal heard in Minnesota Appellate Court, and again on the request for further review by the MN Supreme Court. Petitioner's affidavit in support of the Motion for Leave to Proceed IFP, is attached hereto.

/s/ Charles M. Waters

829 Wall St.

North Mankato, MN

56003

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763-316-7242

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

I, CHARLES M. WATERS, 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>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</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>NONE</u>			<u>\$ NONE</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.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>UNKNOWN/NA - SPOUSE IS OPPOSING</u>			<u>PARTY</u>
			\$
			\$

4. How much cash do you and your spouse have? ~~\$~~ \$27.00
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
<u>SAVINGS</u>	<u>\$2100</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
Value 0

☒ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model ACURA MDX
Value \$1,200

☐ Motor Vehicle #2
Year, make & model FORD MUSTANG
Value \$800

☒ Other assets
Description NONE
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

Amount owed to you

Amount owed to your spouse

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
~~C.S.~~ E.W.
N/A

Relationship
DAUGHTER
N/A

Age
16 YEARS
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.

Rent or home-mortgage payment
(include lot rented for mobile home)

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

You

Your spouse

\$ 1066

\$ N/A

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

\$ 500

\$ N/A

Home maintenance (repairs and upkeep)

\$

\$ N/A

Food

\$ 400

\$ N/A

Clothing

\$ 20

\$ N/A

Laundry and dry-cleaning

\$

\$ N/A

Medical and dental expenses

\$ 1300^{cr}

\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>75</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>25</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>100</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>200</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>150</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>3,836^{cur}</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? _____

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 the costs of this case.

I AM A PERMANENTLY AND TOTALLY DISABLED VETERAN, RATED AS UNEMPLOYABLE. MY SPOUSE IS THE OPPOSING PARTY, HER INCOME IS NOT APPLICABLE. I RECEIVE MEDICAL ASSISTANCE, QUALIFY IFP PER STATE LAW, AND WAS IFP IN THE INITIAL CASE AND APPEAL. I GET \$3900 FROM MVA, WHICH IS NOT INCOME.

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

Executed on: MARCH 7th, 2023
SIGNED IN NICOLLET COUNTY



(Signature)

CHARLES M. WATERS
829 WALL ST. NORTH MANLY
MN, 55306

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AFFIDAVIT IN SUPPORT OF MOTION
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I am a permanently and totally unemployable, disabled veteran. I suffer Autism and TBI. I am on a fixed income. I am currently the recipient of public assistance, in the form of state medical assistance. This alone qualifies me for proceeding IFP under Minnesota requirements. I have no other income. My medical bills are approximately \$900 per month and are not reimbursed. I pay \$1066 a month in mortgage. I am entirely unable to increase my income. Therefore, I can not pay costs and afford for the necessities of life.