

No. 22-7143 ORIGINAL

FILED

MAR 13 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Xunxian Liu XUNXIAN LIU
— PETITIONER
(Your Name)

Secretary of Department of Health and Human Services, et Al. and Director of AO VS.
— 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):

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 is **not** attached because the court below appointed counsel in the current proceeding, and:

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

a copy of the order of appointment is appended.

Liu Xunxian
RECEIVED
(Signature)
MAR 28 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Xunxian Liu, 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>No</u>	\$ <u>Yes, 8000</u>	\$ <u>No</u>	\$ <u>Yes, 8000</u>
Self-employment	\$ <u>Yes, 0</u>	\$ <u>No</u>	\$ <u>Yes, 0</u>	\$ <u>No</u>
Income from real property (such as rental income)	\$ <u>No</u>	\$ <u>No</u>	\$ <u>No</u>	\$ <u>No</u>
Interest and dividends	\$ <u>30</u>	\$ <u>30</u>	\$ <u>30</u>	\$ <u>30</u>
Gifts	\$ <u>-110</u>	\$ <u>-110</u>	\$ <u>-110</u>	\$ <u>-110</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>-500</u>	\$ <u>-500</u>	\$ <u>-500</u>	\$ <u>-500</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>2400</u>	\$ <u>0</u>	\$ <u>2400</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></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Total monthly income:	\$ <u>1820</u>	\$ <u>7420</u>	\$ <u>1820</u>	\$ <u>7420</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>N/A</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>Dept. of Education</u>	<u>12 D Street, NW Washington, DC 20001</u>	<u>2/19/2009</u>	\$ <u>8000</u>
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ 47,000.00 ; 20,000 ; 500
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>Fidelity, checking</u>	<u>\$ 23500</u>	<u>\$ 23500</u>
<u>Citibank, checking</u>	<u>\$ 10000</u>	<u>\$ 10000</u>
<u>Capital One, Savings</u>	<u>\$ 250</u>	<u>\$ 250</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 \$ 680,000

Other real estate
Value N/A

Motor Vehicle #1
Year, make & model 2014, Mazda, Van
Value \$ 5000

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	Amount owed to you	Amount owed to your spouse
<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>Felice Liu</u>	<u>Daughter</u>	<u>28</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>375</u>	\$ <u>375</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>250</u>	\$ <u>250</u>
Home maintenance (repairs and upkeep)	\$ <u>500 (last year)</u>	\$ <u>500 (last year)</u>
Food	\$ <u>400</u>	\$ <u>400</u>
Clothing	\$ <u>200</u>	\$ <u>200</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>100</u>	\$ <u>100</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 100	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 100	\$ 100
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 600
Motor Vehicle	\$ 0	\$ 150
Other: <u>N/A</u>	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>N/A</u>	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>N/A</u>	\$ _____	\$ _____
Total monthly expenses:	<u>2025</u>	<u>2675</u>

*at 6%
already deducted, not counted*

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? 100,300 for the case in MSPB during 6/2016
to 2/2017

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

The Employment Law Group
1717 K St NW Ste 1110
Washington, DC 20006, (202) 331-3911

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 will pay the costs of this case

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

Executed on: 03/17, 2023

Lin Yannan

(Signature)

AFFIDAVIT

I, Petitioner, Xunxian Liu declare to pay any cost associated with the case to the Supreme Court: Liu v. Sec of DHHS, et al.; Liu v. Dir of AO, et al. USCA DC Nos. 22-5122; 22-5182. The costs include application fee for Petition for a Writ of Certiorari and any possible expenses related to the case.

Under penalty of perjury, I certify that the above statements are true, to the best of my knowledge. I also confirm that the information here's both accurate and complete, and relevant information has not omitted.

Respectfully submitted,

Signature

Xunxian Liu, Petitioner,

3/17/2023 X/L

