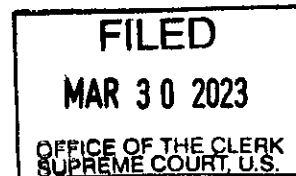


No. **22 - 7299**



IN THE
SUPREME COURT OF THE UNITED STATES

Howard Griffith — PETITIONER
(Your Name)

VS.

New York — 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):

Supreme Court of State of New York/Appellate Division/Fourth Dept.
United States District Court/Northern District of New York

☐ 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.

Howard Griffith
(Signature)

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

I, Howard Griffith, 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	\$ 0	\$ NA	\$ 0	\$ NA
Self-employment	\$ 0	\$ NA	\$ 0	\$ NA
Income from real property (such as rental income)	\$ 0	\$ NA	\$ 0	\$ NA
Interest and dividends	\$ 0	\$ NA	\$ 0	\$ NA
Gifts	\$ 0	\$ NA	\$ 0	\$ NA
Alimony	\$ 0	\$ NA	\$ 0	\$ NA
Child Support	\$ 0	\$ NA	\$ 0	\$ NA
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ NA	\$ 0	\$ NA
Disability (such as social security, insurance payments)	\$ 1,242	\$ NA	\$ 937	\$ NA
Unemployment payments	\$ 0	\$ NA	\$ 0	\$ NA
Public-assistance (such as welfare)	\$ 0	\$ NA	\$ 0	\$ NA
Other (specify):	\$ 0	\$ NA	\$ 0	\$ NA
Total monthly income:	\$ 0	\$ NA	\$ 0	\$ NA

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
NA	NA	NA	\$ NA
			\$ NA
			\$ NA

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
NA	NA	NA	\$ NA
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
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
Key Bank (checking)	\$ 1,043	\$
	\$	\$
	\$	\$

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

<input type="checkbox"/> Home Value NA	<input type="checkbox"/> Other real estate Value NA
<input type="checkbox"/> Motor Vehicle #1 Year, make & model NA Value NA	<input type="checkbox"/> Motor Vehicle #2 Year, make & model NA Value NA
<input type="checkbox"/> Other assets Description NA Value NA	

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

NA

\$ NA

\$ NA

\$

\$

\$

\$

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
NA

Relationship
NA

Age
NA

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)

\$ 308

\$ NA

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

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

\$ 78

\$ NA

Home maintenance (repairs and upkeep)

\$ 22

\$ NA

Food

\$ 45

\$ NA

Clothing

\$ 45

\$ NA

Laundry and dry-cleaning

\$ 30

\$ NA

Medical and dental expenses

\$ 10

\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>20</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>60</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>36</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card(s)	\$ <u>90</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): <u>Lifelock (Identity Theft)</u>	\$ <u>10</u>	\$ _____
Total monthly expenses:	\$ <u>754</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've had to put aside a lot of money to produce the documents for this matter. This petition cost just over \$600.00 to produce

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

Executed on: March 30, 2023

Howard Duffin

(Signature)

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

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, I have demonstrated that my average monthly income was \$1,242 within the past 12 months. This was because I had not received my payments for my Supplemental Security Income (SSI) for the months during the range of November 2021 - April 2022. I had not received my payments for my SSI for those months because I was unable to fill out forms for the reevaluation of my disabilities for the social security administration before October 2021. I appealed the decision to cut off my SSI, and I preserved the remedy to not cut off my SSI while the appeal was still pending. However, I was unable to receive that income until after May 2022 which totaled \$4,999 from the federal government for my disability and \$191 from New York State. I had to use much of that money to reimburse payments for my monthly expenses that were pending during the months of November 2021 - April 2022. I did not demonstrate those monthly expenses with my Motion because I could not recall those expenses as most of that range had not fallen within the range of the last twelve months. The social security administration made a determination that I was still disabled after May 2022, and my average monthly income within the next twelve months will be \$937.00 which is my monthly income for SSI from both the federal government (\$914.00) and New York State (\$23.00). Prior to 2023, I received a monthly income, for my SSI, of \$841.00 from the federal government and \$23.00 from New York State.

I have intentions to purchase a vehicle within the next twelve months which would involve expenses of financing or loans and car insurance. I intend to share this asset and these expenses with my roommate, Rebecca Sklaney, (whom I don't define as a spouse and whom I have lived with since 2012). She pays an equal amount for the monthly expenses I pay with regard to rent as the total for rent is \$615.00 monthly. She also pays an average of \$23.00 a month towards utilities as I pay an average of \$23.00 a month towards utilities and I pay my own telephone bill for \$55.00. I pay the total renter's insurance of \$35.00 for Liberty Mutual as the renter's insurance covers both of our liabilities.

I, also, may have to change my address within the next twelve months as I intend to continue to reside with my roommate, Rebecca Sklaney. That may change the total for the cost of rent as it may be hard to find a residence that offers the same expenses. We intend to obtain an apartment for an expense, of the most, to be about \$800.00 monthly. This would most likely provide the remedy for a vehicle to be an essential asset as a new address may not provide the convenience of the goods and services currently provided in our local community.

I have demonstrated that I had installment payments for the past twelve months, with an average payment of about \$90.00, for credit cards. Within the past twelve months, I have paid off the balance of an account for a credit card of \$500.00 and I finished paying off a loan in November

**AFFIDAVIT OR DECLARATION
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9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

2022, for National Debt Relief, which I had paid \$103.00 for the monthly payment. I also finished paying off a college loan in October 2022 in which I had paid \$55.00 for my monthly bill. I no longer pay for any credit cards.

Dated: March 30, 2023

Howard Griffith
Howard Griffith