

No. **22-7712**

**ORIGINAL**

Supreme Court, U.S.  
FILED

**MAY 31 2023**

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

GUSTAVO XAVIER — PETITIONER  
(Your Name)

VS.

Superintendent of SCI-Albion  
Attorney General Pennsylvania — 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):

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY,  
PENNSYLVANIA.

☐ 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.

**RECEIVED**

**JUN -5 2023**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Gustavo Xavier  
(Signature)

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

I, Gustavo Xavier, 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	\$ 160	\$ None	\$ 160	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ .75	\$	\$ 0.75	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
<b>Total monthly income:</b>	<b>\$ 160.75</b>	<b>\$</b>	<b>\$ 160.75</b>	<b>\$</b>

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>Correctional Industries</u>	<u>SCI-ALBION</u>	<u></u>	<u>\$ 160</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>
<u></u>	<u></u>	<u></u>	<u>\$</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>She passed-away during the pandemic.</u>	<u></u>	<u></u>	<u>\$</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>

4. How much cash do you and your spouse have? \$ 900  
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></u>	<u>\$</u>	<u>\$</u>
<u></u>	<u>\$</u>	<u>\$</u>
<u></u>	<u>\$</u>	<u>\$</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 None

☐ Other real estate  
Value None

☐ Motor Vehicle #1  
Year, make & model None  
Value

☐ Motor Vehicle #2  
Year, make & model None  
Value

☐ 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
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </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>Monica Xavier</u>	<u>Daughter</u>	<u>22</u>
<u>Gustavo Xavier</u>	<u>Son</u>	<u>21</u>
<u>                    </u>	<u>                    </u>	<u>                    </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>0</u>	\$ <u>                    </u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>                    </u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>                    </u>
Food	\$ <u>0</u>	\$ <u>                    </u>
Clothing	\$ <u>0</u>	\$ <u>                    </u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>                    </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>                    </u>

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

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? \_\_\_\_\_

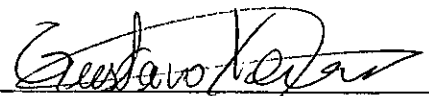
If yes, state the person's name, address, and telephone number:

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

Three months ago Doctors diagnosis that I have Lymphoma (cancer) and I don't know yet the type of treatment that they will use but I know that I will miss many days at work due to the treatment either kimo or radiation. Besides, they are going to cut a tumor attached to my liver.

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

Executed on: May 30, 2023

  
(Signature)

The major changes that I'm expect is about or depends in how many days I will miss at work for further hospitalization. I know for sure that I'll go for a second biopsy next month. Also, I know that I'll go for another MRI but I don't know when. There is two different issues. The tumor attached to my liver (3.8 cm) and the Lymphoma. Then, the tratment that they will use. I think that also would make me miss many days at work which it would affect my income. Thank you for your comprehension.