

IN THE SUPREME COURT OF THE UNITED STATES

Dmt MACTRUONG,
Appellant-Petitioner
v.
Governor Mike DEVINE, *et al.*
Appellees-Respondents

**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):

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT
U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT
U.S. DISTRCT COURT FOR THE DISTRICT OF NJ
U.S. DISTRCT COURT FOR THE SOUTHERN DISTRICT OF NY

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.

Mac Truong, Petitioner *pro se*

6/10/2023

Case No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Dmt MACTRUONG,
Appellant-Petitioner

v.

Governor Mike DEVINE, *et al.*
Appellees-Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

IN FORMA PAUPERIS APPLICATION

Mac Truong, Ph.D., J.S.D., LL.M., Petitioner *pro se*
875 Bergen Avenue
Jersey City, NJ 07306
(914) 215-2304
Email: dmtforest@aol.com

UNITED STATES SUPREME COURT

Case Number: _____

Dmt MACTRUONG,
Appellant-Petitioner

v.

Governor Mike DEVINE, *et al.*
Appellees-Respondents

**PETITIONER MAC TRUONG PRO SE'S
AFFIDAVIT ACCOMPANYING
MOTION FOR PERMISSION TO FILE
PETITION FOR A WRIT OF CERTIORARI
IN FORMA PAUPERIS**

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees for my Petition for a Writ of Certiorari or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: X

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 6/10/2023

1. My issues on appeal are: Does Petitioner, Dmt MacTruong, a male U.S. citizen living in New Jersey, have standing to request that this USSC declares null and void Respondents' April 11 2019 HRHPA, which bans abortion in the State of Ohio after the embryonic cardiac activity is detectable, and/or any similar or related anti-abortion legislation, and/or any U.S. State's statutes banning almost all types of abortions, which were and still are legal and allowed by this Court's 1973 Constitutional *Roe v. Wade* ruling?
- 2.

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.*

2.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0	\$0	\$0	\$0
Self-employment	\$0	\$0	\$0	\$0
Income from real property (such as rental income)	\$0	\$0	\$0	\$0
Interest and dividends	\$0	\$0	\$0	\$0
Gifts	\$0	\$0	\$0	\$0
Alimony	\$0	\$0	\$0	\$0
Child support	\$0	\$0	\$0	\$0
Retirement (such as social security, pensions, annuities, insurance)	\$1,260.00	\$0	\$	\$
Disability (such as social security, insurance payments)	\$0	\$0	\$0	\$0
Unemployment payments	\$0	\$0	\$0	\$0
Public-assistance (such as welfare)	\$0	\$0	\$0	\$0
Other (specify):	\$140.00	\$0	\$0	\$0
Total monthly income:	\$1,400.00	\$0	\$1,400.00	\$0

1. *List your 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
0	n/a	n/a	\$0

2. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Note: My spouse and I are separated. In 2014, she went back to her country France and lives in Chantilly, far from me and my legal headaches that got her tired and unhappy.

Employer	Address	Dates of employment	Gross monthly pay
0	n/a	n/a	\$0

3. How much cash do you have? \$ 600.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
PNC, JERSEY CITY	Checking	\$600	\$ n/a
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

Home	Other real estate	Motor vehicle #1
(Value) \$0	(Value) \$0	(Value) \$0
		Make and year: Saturn 1994
		Model: SL2
		Registration #: CC566X

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:	n/a	n/a
Model:		
Registration #:		

5. *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
NONE	\$	\$ N/A
	\$	\$
	\$	\$
	\$	\$

6. *State the persons who rely on you or your spouse for support.*

Name [or, if under 18, initials only]	Relationship	Age
None	n/a	n/a

7. 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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$750.00	\$0
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$50.00	\$0
Home maintenance (repairs and upkeep)	\$0	\$0
Food	\$200	\$0
Clothing	\$20	\$0
Laundry and dry-cleaning	\$20	\$0
Medical and dental expenses	\$100	\$0
Transportation (not including motor vehicle payments)	\$100	\$0
Recreation, entertainment, newspapers, magazines, etc.	\$0	\$0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$0	\$0
Life:	\$0	\$0
Health:	\$0	\$0
Motor vehicle:	\$100.00	\$0
Other:	\$0	\$0
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$0	\$0
Installment payments		
Motor Vehicle:	\$0	\$0
Credit card (name):	\$0	\$0
Department store (name):	\$0	\$0
Other:	\$0	\$0

Alimony, maintenance, and support paid to others	\$0	\$0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$0	\$0
Other (specify):	\$60.00	\$0
Total monthly expenses:	\$1,400.00	\$0

8. *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.

9. *Have you spent - or will you be spending - any money for expenses or attorney fees in connection with this lawsuit?* Yes No

If yes, how much? \$

10. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I have barely enough money for food or rent*

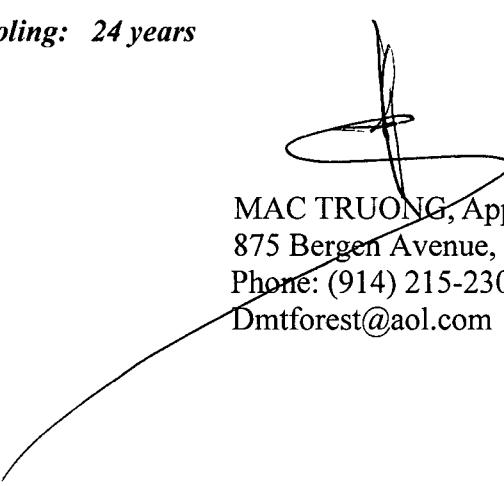
11. *State the city and state of your legal residence: 63 Van Reypen Street, Jersey City, NJ 07306.*

12. *The last four digits of my Social Security Number are: 1959*

13. *Your age: 79 - Born on May 1, 1944*

14. *Number of years of schooling: 24 years*

Executed on: June 10, 2023


 MAC TRUONG, Appellant-Petitioner
 875 Bergen Avenue, Jersey City, NJ 07306
 Phone: (914) 215-2304 –
 Dmtforest@aol.com

UNITED STATES SUPREME COURT

Dmt MacTruong,)	CASE No. 2:22-cv-2908 (MHW)(KAJ)
Plaintiff-Petitioner,)	
)	
-AGAINST-)	
)	
Mike DeWine, <i>et al.</i> ,)	
Defendants-Respondents)	
)	

PLAINTIFF-PETITIONER *PRO SE* MACTRUONG'S APPLICATION TO PROCEED WITH APPEAL IN *FORMA PAUPERIS*

I, Dmt MacTruong, Plaintiff-Petitioner *pro se*, affirm under the penalty of perjury as follows:

1. I am the Petitioner in this proceeding. I make this affirmation in support of my instant APPLICATION TO PROCEED WITH THIS PROCEEDING IN *FORMA PAUPERIS* in this Court.
2. On or about July 18, 2022, I applied to proceed with this case in this District Court. It was granted by the Court as indicated by this Court's Order and Report and Recommendation dated August 16, 2022, by Magistrate Judge K.A. Jolson. [See, Docket #4 or a Copy thereof is Annexed to that instant Notice of Appeal.]
3. **In support of my current application for leave to proceed with this appellate proceeding, without being required to prepay fees, and costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of the instant proceeding or give security therefor. As such, I believe I am entitled to the relief herein sought.**
4. I am now 79 years of age, a retired author and attorney at law, and have been granted the IFP Status by the U.S. District Court for the Western District of Texas in

Truong, et al. v. Abbott, et al., Dkt. No. 1:22-cv-476, and in the U.S. District Court for the Northern District of **Florida** in *Truong, et al. v. DeSantis, et al.*, Dkt. No. 4:22-cv-216, and the U.S. District Court for the Western District of **Oklahoma**, in *Truong, et al. v. Stitt, et al.*, Dkt. No. 5:22-cv-491, and in the U.S. District Court for the District of **New Jersey** in *Truong v. Barnard, et al.*, Docket No. 21-cv-074(ES), and in *Truong v. Barnard, et al.*, Case No. 21-1171 in the **U.S. Court of Appeals for the Third Circuit**.

5. I have further been routinely granted the IFP Status by various courts since 2005 in various prior proceedings **[See, Attachments,]** and I certify that I have never violated my such status.

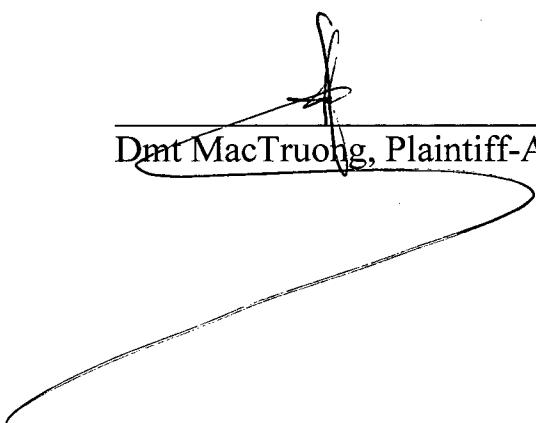
6. The nature of my action, defense, or pleading or the issues I intend to present herein is **meritorious and would most likely prevail. It can be seen in my Petition for a Writ of Certiorari to the USCA6 attached herewith.**

7. In support of this application, I further submit the proof that I was granted in August 2016 a discharge from all my debts prior to my **May 23 2016 Filing for Bankruptcy** under Chapter 7 in the U.S. Bankruptcy Court for the District of New Jersey, Docket No. 16-19929 (VFP).

8. In further support of this application, I finally submit herewith a **May 23 2022 IRS letter** showing that I owed the Service no tax at all for 2021, and also that it did not owe me any refund.

9. I declare under penalty of perjury that the above information is true and correct.

Dated: June 10, 2023


Dmt MacTruong, Plaintiff-Appellant *pro se.*

S.D.N.Y.-N.Y.C.
10-cv-386
Batts, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 14th day of September, two thousand eleven,

Present:

Guido Calabresi,
Richard C. Wesley,
Gerard E. Lynch,
Circuit Judges.

Mac Truong,

Plaintiff-Appellant,
v. 11-3248-cv

Hung Thi Nguyen, *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed *in forma pauperis* is GRANTED. The Appellant is directed to file a scheduling notification within 14 days of the date of entry of this order pursuant to Second Circuit Local Rule 31.2.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk



FPS - 132

DATE: January 9, 2008

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-3239

In Re: Mac Truong

1/10/2008
0-3239

To: Clerk

1) Motion by Appellant Mac Truong for leave to appeal in forma pauperis

The foregoing motion to proceed in forma pauperis is granted. The appeal will be submitted to a panel for determination under 28 U.S.C. § 1915(e)(2) or for summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6.

For the Court,

/s/Marcia M. Waldron
Clerk

Dated: January 10, 2008
tyw/cc: Ms. Sylvaine DeCrouy
Mr. Hugh MacTruong
Ms. Maryse MacTruong
Mr. Mac Truong
Bruce S. Etterman, Esq.

FPS - 187

DATE: February 28, 2008

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-3238

07-3238
2/28/08

In Re: Mac Truong

To: Clerk

1) Motion by Appellant for leave to appeal in forma pauperis

The foregoing motion to proceed in forma pauperis is granted. The appeal will be submitted to a panel for determination under 28 U.S.C. § 1915(e)(2) or for summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6.

For the Court,

/s/Marcia M. Waldron
Clerk

Dated: February 28, 2008
tyw/cc: Mr. Mac Truong
Bruce S. Etterman, Esq.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAC TRUONG, : Civil Action No. 07-5066 (SDW)

Appellant, :

v. :

ORDER

STEVEN P. KARTZMAN, :

Appellee. :

December 10, 2007

WIGENTON, District Judge.

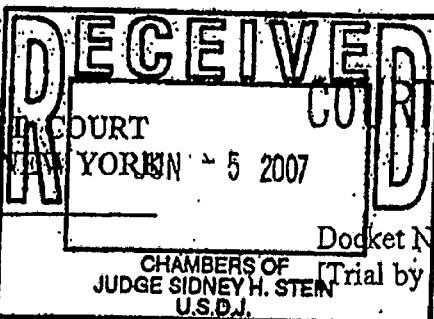
The Court hereby VACATES the Order dated November 1, 2007, Docket Entry No. 4, as to Mac Truong's ("Appellant") *in forma pauperis* application because no fee is associated with this Bankruptcy appeal before the Court. As such, the briefing schedule in this matter will proceed in due course. Appellee is to submit a response to the papers filed by Appellant by January 7, 2008. Appellant will have until January 21, 2008 to reply.

SO ORDERED.

s/Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Parties

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Mac Truong and
Maryse Mac-Truong
Plaintiffs

Against

Jack Litman, Richard Ashe and
Defendants

NOTICE OF MOTION

To Proceed In *Forma Pauperis*
Litman Ashe & Gioilla, LLP.

Please take notice that upon filing the affirmation dated June 4, 2007 of Mac Truong and Maryse Mac-Truong, Plaintiffs *pro se* in this civil action, a motion shall be made at the United States District Court for the Southern District of New York, at the Courthouse located at 500 Pearl Street, New York, NY 10007, before the Honorable Sidney H. Stein, Judge, Courtroom # , on June 18, 2007, at 10:00 AM; or any place or date and time thereafter as directed by the Court, for an ORDER,

1. Granting plaintiffs-appellants *pro se* leave to proceed with this case in *forma pauperis* to the U.S. Court of Appeals for the Second Circuit, in *Truong et al. v. Litman et al.*, Docket No. 07-1365-Cv, and
2. GRANTING OTHER AND FURTHER RELIEF as this Court may deem just and proper in the premises.

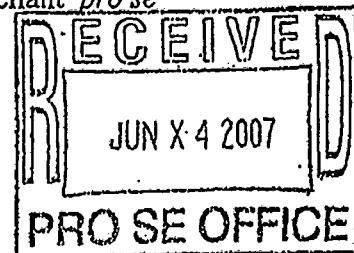
PLEASE TAKE FURTHER NOTICE, that no memorandum of law shall be served with these papers at this time because there is no novel issue of law, and plaintiff is *pro se*, and opposition papers, if any, must be served upon plaintiff and filed with the Court 7 days before the return date, and that this motion will be made by submission and, except otherwise directed by the Court, no appearance will be required on the hearing date.

Dated: Teaneck, New Jersey
June 4, 2007

Mac-Truong, Plaintiff-Appellant *pro se*

Maryse Mac-Truong,
Plaintiff-Appellant *pro se*

To: Richard Ashe, Esq.
Jack Litman, Esq.
and Litman Ashe & Gioilla, LLP.
45 Broadway - 30th Floor
New York, NY 10006



**Additional material
from this filing is
available in the
Clerk's Office.**