

No. 22A1032

IN THE

SUPREME COURT OF THE UNITED STATES

Emma Serna, et al., - PETITIONERS

VS.

William Cooksey, et al., - RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

TO FILE FOR A REHEARING

Pursuant to Supreme Court Rule 39, the Petitioners, Emma Serna, et al., Request that the Court grant them leave to proceed in forma pauperis. In Support of this Motion , the Petitioners avers that:

I.

Petitioners are unable to afford the cost of an attorney nor the cost of the Fees that go into developing the necessary book to present to the court.

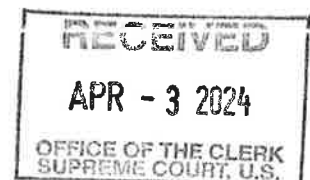
II.

Petitioners were left without a home, furniture, clothing, food, etc. by a state judgment that was not served with a summons, a complaint, or due process of law.

The petitioners ask leave to file the attached petition for a rehearing of the writ of certiorari without prepayment of costs and to proceed in forma pauperis.

() Petitioners have not previously been granted leave to proceed in forma pauperis in any other court, and has never requested permission.

() Petitioner's have always paid the recommended fees, but the financial situation has changed because of injustice.



(x) Petitioner's affidavit or declaration in support of this motion is attached hereto.

Due to our continuing inability to afford such daily necessities, and until we restore our financial ability, the Petitioners, respectfully request that they be allowed to proceed in Forma Pauperis, without payment of filing fees or the costs of producing a book.

Respectfully submitted this 22nd day of March, 2024.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mike R. Serna", written over a horizontal line.

Mike R. Serna
P.O. Box 65384
Albuquerque, NM 87193
(505)321-1661

A handwritten signature in cursive script, appearing to read "Emma Serna", written over a horizontal line.

Emma Serna
P.O. Box 65384
Albuquerque, N.M. 87193
(505)321-1661

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

I, Emma Deane, 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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Child Support	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>750.⁰⁰</u>	\$ <u>2800.⁰⁰ 1400.⁰⁰</u>	\$ <u>750.⁰⁰</u>	\$ <u>2800.⁰⁰ 1400.⁰⁰</u>
Disability (such as social security, insurance payments)	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Unemployment payments	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Public-assistance (such as welfare)	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Other (specify):	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>	\$ <u>/</u>
Total monthly income:	\$ <u>750.⁰⁰</u>	\$ <u>2800.⁰⁰ 1400.⁰⁰</u>	\$ <u>750.⁰⁰</u>	\$ <u>2800.⁰⁰ 1400.⁰⁰</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
N/A			\$
			\$
			\$

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
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$1,000.00
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
Checking	\$2507.00	\$ Community Property
Savings	\$500.00	\$
	\$	\$

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

☒ Home
Value \$500,000.00
Stolen

☐ Other real estate
Value

☒ Motor Vehicle #1
Year, make & model 2020 Volkswagen SUV
Value \$25,000

☒ Motor Vehicle #2
Year, make & model 1988 Chevy Truck
Value \$20,000 C1500

☐ Other assets
Description
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
David Webster & Marge He Webster	\$900,000.00	"Same"

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

NAME	RELATIONSHIP	AGE
Mike Serna	Spouse	75
Emma Serna	Wife	75
Bella	Pat	8

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
Home - mortgage payment		1645.00
Are real estate taxes included?	() Yes (X) No	
Is Property insurance included?	(X) NO	
UTILITIES (electricity, heating fuel, Water, sewer, telephone)		322.00
Home maintenance (repairs and upkeep)		150.00
Food		400.00
Clothing		200.00
Laundry and dry cleaning		-0-
Medical and dental expenses		240.00

	YOU	YOUR SPOUSE
Transportation (not including motor vehicle payments)	_____	<u>80.00</u>
Recreation, entertainment, newspapers, magazines, etc.	_____	<u>10.00</u>
Insurance (not deducted from wages, or included in mortgage payments)		
Homeowner's or renters - Pd. for 1 yr.	_____	<u>560.00</u>
Life	_____	<u>0</u>
Health	_____	<u>0</u>
Motor Vehicle	_____	<u>100.00</u>
Other: <u>Insurance on Stolen House</u>	_____	<u>153.00</u>
Taxes (not deducted from wages or included in mortgage payments)		
Specify: _____	_____	_____
Installment payments		
Motor Vehicle	_____	_____
Credit cards	_____	<u>500.00</u>
Department Store(s)	_____	<u>30.00</u>
Other: <u>HOA</u>	_____	_____
Alimony, etc.: N/A		
Other (specify): <u>Utilities @ Stolen house</u>		<u>480.00</u>
 TOTAL monthly expenses	 \$ _____	 \$ <u>4310.00</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? *Mike needs another operation, and he cannot help me with the house and yard work. Neither one of us can work outside the house, and we need Furniture.*

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? (NO)

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.

Our residence, Furniture, food, clothing is all gone. We stayed at a hotel for (6) months & now live in a house. State district court took our paid for residence from us. A \$500,000.00 home for a \$57,000.00 judgment. Our Furniture, food, clothes, prescriptions, etc. worth \$440,000.00 and left us with nothing.

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

Executed on: March, 2024.

Mike R. Serna
Signature

Emma R. Serna
Signature