

No.
23-5091

In The

ORIGINAL

Supreme Court of the United States

MOTION TO PROCEED IN FORMA PAUPERIS

Javier H. Armengau. A708-691
London Correctional Institution
1580 S.R. 56
London, Ohio 43140

Petitioner

v.

Jenny Hildebrand, Warden
London Correctional Institution
1580 S.R. 56
London, Ohio 43140

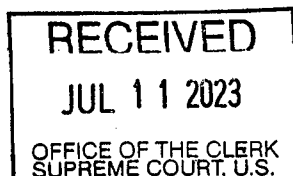
Respondent

On Petition For Writ Of Certiorari
To The United States Court Of Appeals for the Sixth Circuit

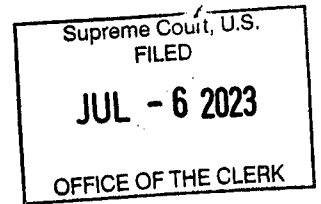
As required by Supreme Court Rule 29.5(C), I certify that the Motion to Proceed In Forma Pauperis and Affidavit of Indigence was forwarded by Regular U.S. Mail to Jerri L. Fosnaught, Assistant Attorney General, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215, on this 5TH day July, 2023, postage pre-paid.

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

Executed on July 5th, 2023.




Javier H. Armengau, A708-691



MOTION TO PROCEED IN FORMA PAUPERIS

Now comes Petitioner and respectfully moves this Honorable Court to allow him to proceed in *forma pauperis* in this matter. Petitioner was allowed to proceed in *forma pauperis* at the United States Court of Appeals for the Sixth Circuit.

In addition, Petitioner is unable to advance the costs for filing in these proceedings as he receives a total of twenty (20) dollars per month in state pay. The funds Petitioner has are needed for copying, printing, postage and purchasing envelopes and supplies to help prepare and mail his pleadings. Any funds over the \$20.00 Petitioner receives from the state are from friends or family to assist with Petitioner's purchase of essential items through the institution's commissary and those contributions do not exceed \$200.00 per month.

This motion is supported by an Affidavit of Indigence filed herewith.

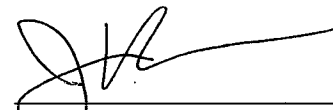
Respectfully,



Javier H. Armengau
1580 S.R. 56
London, Ohio 43140

CERTIFICATE OF SERVICE

I certify that the above motion was forwarded by Regular U.S. Mail to Jerri L. Fosnaught, Assistant Attorney General, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215, on this 5TH day July, 2023, postage pre-paid.



Javier H. Armengau, A708-691

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Southern District of Ohio

Notice of Electronic Filing

The following transaction was entered on 12/15/2022 at 2:28 PM EST and filed on 12/15/2022

Case Name: Armengau v. Warden, London Correctional Institution

Case Number: 2:19-cv-01146-ALM-MRM

Filer:

Document Number: 139(No document attached)

Docket Text:

**Notation ORDER granting [137] Motion for Leave to Appeal in forma pauperis.
Signed by Magistrate Judge Michael R. Merz on 12/15/2022. (MRM)**

2:19-cv-01146-ALM-MRM Notice has been electronically mailed to:

Jerri Lynne Fosnaught jerri.fosnaught@OhioAGO.gov, brenda.carter@OhioAGO.gov,
brian.higgins@OhioAGO.gov, sandra.friedman@ohioattorneygeneral.gov

2:19-cv-01146-ALM-MRM Notice has been delivered by other means to:

Javier H. Armengau
A708691
LONDON CORRECTIONAL INSTITUTION
P.O. Box 69
1580 State Route 56
London, OH 43140

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

I, Javier Armengau, 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>20.00</u>	\$ <u>N/A</u>	\$ <u>20.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>200.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>220.00</u>	\$ <u>N/A</u>	\$ <u>220.00</u>	\$ <u>N/A</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
Incarcerated	N/A	N/A	\$ 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
Unmarried	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ 0.00
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
No Bank Accounts	\$0.00	\$ N/A
	\$	\$
	\$	\$

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 N/A	<input type="checkbox"/> Other real estate Value N/A
<input type="checkbox"/> Motor Vehicle #1 Year, make & model N/A Value N/A	<input type="checkbox"/> Motor Vehicle #2 Year, make & model N/A Value N/A
<input type="checkbox"/> Other assets Description None N/A Value N/A	

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
N/A	\$ N/A	\$ N/A
	\$	\$
	\$	\$

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
N/A	N/A	N/A

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)	\$ N/A	\$ N/A
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)	\$ N/A	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A	\$ N/A
Food	\$ 175-200.00	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$ 10.00	\$ N/A
Medical and dental expenses	\$ 0	\$ N/A

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

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? N/A

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

N/A

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? N/A

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

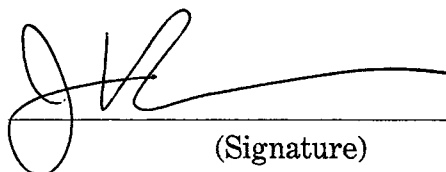
N/A

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

Respectfully, I am wrongfully convicted, falsely accused and have lost 9 years of my life, including any and all property that I ever owned. I have nothing of value.

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

Executed on: July 5TH, 2023


(Signature)