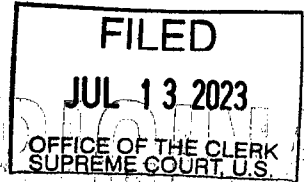


23-5255



No. _____

IN THE
Supreme Court of the United States

ROBERT LEE SWINTON JR.
Petitioner,

vs.

LIVINGSTON COUNTY, LIVINGSTON COUNTY JAIL,
MONROE COUNTY, MONROE COUNTY JAIL, NURSE SCHINSKI, NURSE
YUNKER, CHIEF DEPUTY YASSO, CORPORAL SLOCUM, DEPUTY
FORRESTER, DR. MAXIMILLIAN CHUNG, DR. CHARLES THOMAS,
CORRECTIONAL MEDICAL CARE INC.,
Respondent.

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

**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*. Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

The United States District Court for the Western District of New York
and the U.S. Second Circuit Court of Appeals.

Executed on July 7, 2023

s/ Robert L. Swinton Jr., Pro Se

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

I, Robert L. Swinton Jr., 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
<i>*I have no spouse.</i>				
	Gross <u>4,400</u>		Gross <u>4,400</u>	
Employment	\$ <u>3,200</u>	\$ <u>N/A</u>	\$ <u>3,200</u>	\$ <u>N/A</u>
Self-employment	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Gifts	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Alimony	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Child Support	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Other (specify): <u>None</u>	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>4,400</u>	\$ <u>NA</u>	\$ <u>4,400</u>	\$ <u>NA</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
<u>Billitier Electric</u>	<u>2300 E. River Rd.</u>	<u>February 6, 2023</u>	<u>\$ 4,400</u>
<u>Local IBEW</u>	<u>Rochester, NY</u>	<u>to present</u>	<u>\$</u>
<u>86 Union</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>NA</u>			<u>\$</u>
			<u>\$</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ _____
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>Saving for moving from RRC</u>	<u>\$ 5,200</u>	<u>\$ NA</u>
<u>Federal Halfway House</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 None
Value _____

☐ Other real estate None
Value _____

☐ Motor Vehicle #1 2005 Buick
Year, make & model LaCrosse
Value \$3,000

☐ Motor Vehicle #2
Year, make & model _____
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

None

\$

\$

\$

\$

\$

\$

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

[REDACTED]

Daughter

11

M. S.

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)

\$ None

\$ NA

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ None

\$ NA

Home maintenance (repairs and upkeep)

\$ None

\$ NA

Food

\$ 250

\$ NA

Clothing

\$ 400

\$ NA

Laundry and dry-cleaning

\$ 40

\$ NA

Medical and dental expenses

\$ None

\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>200</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>175</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>Ø</u>	\$ <u>NA</u>
Life	\$ <u>Ø</u>	\$ <u>NA</u>
Health	\$ <u>Ø</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>156</u>	\$ <u>NA</u>
Other: _____	\$ <u>Ø</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>Ø</u>	\$ <u>NA</u>
Installment payments		
Motor Vehicle	\$ <u>Ø</u>	\$ <u>NA</u>
Credit card(s)	\$ <u>Ø</u>	\$ <u>NA</u>
Department store(s)	\$ <u>Ø</u>	\$ <u>NA</u>
Other: _____	\$ <u>Ø</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others ^{volunteer to child.}	\$ <u>800</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>200 (945)</u>	\$ <u>NA</u>
Other (specify): _____	\$ _____	\$ <u>NA</u>
Total monthly expenses:	\$ <u>1375</u>	\$ <u>NA</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 was granted IFP status in the U.S. Second Circuit Court of Appeals and The U.S. Western District of New York pertaining to the litigation of this case

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

Executed on: July 26, 2023

Robert L. Suta Jr.

(Signature)

