

No. _____

23-5359

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

James T. Burke, Pro-se, — PETITIONER
(Your Name)

VS.

State of Vermont, et al. — 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):

Federal District Court of Vermonts Second Cercuite

☐ 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.

8/9/2023.

James Burke Prose
(Signature)

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

Pto-se

I, James Thomas Burke, 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>Not work</u>	\$ <u>N/A</u>	\$ <u>Not working</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>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Gifts	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Alimony	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Child Support	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Public-assistance (such as welfare) (incarcerated)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>\$40.00</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

Currently have \$40.00 dollars on prison accot.

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
Prison cleaning work/T.C.C.F., MS.			\$ \$30.00 a month
			\$
			\$

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	T.C.C.F., MS.	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ Currently have \$40.00 on jail.
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
T.C.C.F., MS. Prison account	\$	\$40.00
	\$	\$
	\$	\$

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

☐ Home
Value None

☐ Other real estate
Value None

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

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

☒ Other assets
Description \$40.00 dollars on T.C.C.F., MS. Prison account
Value \$40.00

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 _____	\$ None _____	\$ 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
None _____	None _____	None _____
_____	_____	_____
_____	_____	_____

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)	\$ 0 _____	\$ N/A _____
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No	N/A	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ Incarcerated _____	\$ 0 _____
Home maintenance (repairs and upkeep)	\$ N/A _____	\$ N/A _____
Food	\$ N/A _____	\$ N/A _____
Clothing Incarcerated	\$ N/A _____	\$ N/A _____
Laundry and dry-cleaning	\$ 0 _____	\$ 0 _____
Medical and dental expenses	\$ 0 _____	\$ 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? N/A

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? Pro-se Prisoner

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 am currently incarcerated as a direct result of (IAC), resulting in a unlawful conviction as a direct result of U.S. Supreme Court precedent and cited case law being "over-looked".

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

Executed on: 8/9/, 2023

James Burze, Pro-se
(Signature)