

23-5533

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
SEP 01 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Rosetta M Clayton (Pro Se) -Petitioner

VS.

Navy Federal Credit Union – 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 cost and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed in forma pauperis the following courts: Alabama Supreme Court

Petitioner has **not** been 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 in support of this motion is not attached because the court below appointed counsel in the following proceedings and,

The appointment was made under the following provisions of the law: _____, or _____

a copy of the order of appointment is appended.

Rosetta Clayton
Rosetta Clayton
4501 Dan River Rd
Montgomery, AL 36108
Rclayton4501@gmail.com
334-544-9231

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Rosetta M Clayton, 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 cost 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 |
| Employee | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Self-Employment | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Income from real property (such as rental income) | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Interest and dividends | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Gifts | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Alimony | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Child Support | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Retirement (such as social securities, pensions, annuities, and insurance) | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Disability (such as social Security, insurance payments) | <u>\$508.05</u> | <u>\$n/a</u> | <u>\$508.05</u> | <u>\$n/a</u> |
| Unemployment payments | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |
| Public assistance | <u>\$0.00</u> | <u>\$n/a</u> | <u>\$0.00</u> | <u>\$n/a</u> |

(such as welfare)

Other (specify) \$0.00 \$n/a \$0.00 \$n/a

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>None</u> | <u>n/a</u> | <u>n/a</u> | <u>\$0.00</u> |
| <u>None</u> | <u>n/a</u> | <u>n/a</u> | <u>\$0.00</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>None</u> | <u>n/a</u> | <u>n/a</u> | <u>\$0.00</u> |
| <u>None</u> | <u>n/a</u> | <u>n/a</u> | <u>\$0.00</u> |

4. How much cash do you or 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

checking \$16.00 \$n/a

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

| | |
|---|---|
| <input type="checkbox"/> Home value | <input checked="" type="checkbox"/> other real property value |
| <input type="checkbox"/> Motor vehicle #1 Year, make & model, _____ | <input type="checkbox"/> Motor vehicle #2 Year, make, & model Value _____ |
| <input type="checkbox"/> 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 your spouse | Amount owed to you | Amount owed to |
|--|---------------------------|-----------------------|
| <u>n/a</u> | \$ _____ | \$ _____ |
| <u>n/a</u> | \$ _____ | \$ _____ |

7. State the person(s) who rely on you or your spouse for support. For minor children, list initials instead of the name (e.g. "J.S." instead of John Smith).

| Name | Relationship | Age |
|-------------|---------------------|------------|
| <u>n/a</u> | _____ | _____ |
| <u>n/a</u> | _____ | _____ |

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments 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) | <u>\$0.00</u> | <u>\$ n/a</u> |
| Are real estate taxes included? <input type="checkbox"/> yes <input type="checkbox"/> no | | |
| Is real property insurance included? <input type="checkbox"/> yes <input type="checkbox"/> no | | |
| Utilities (electricity, heating fuel, Water, sewer, and telephone) | <u>\$49.99</u> | <u>\$ n/a</u> |
| Home maintenance (repair and upkeep) | <u>\$0.00</u> | <u>\$ n/a</u> |
| Food | <u>\$0.00</u> | <u>\$ n/a</u> |
| Clothing | <u>\$0.00</u> | <u>\$ n/a</u> |
| Laundry and drycleaning | <u>\$20.00</u> | <u>\$ n/a</u> |
| Medical and dental expenses | <u>\$0.00</u> | <u>\$ n/a</u> |
| Transportation (not including motor vehicle payments) | <u>\$40.00</u> | <u>\$ n/a</u> |
| Recreation, entertainment, newspaper, magazines, etc | <u>\$0.00</u> | <u>\$ n/a</u> |
| Insurance (not included from wages or included in mortgage payment) | | |
| Homeowner's or renter's | | |
| Life | <u>\$0.00</u> | <u>\$ n/a</u> |
| Health | <u>\$0.00</u> | <u>\$ n/a</u> |

| | | |
|--|------------------|---------------|
| Motor vehicle | <u>\$0.00</u> | <u>\$ n/a</u> |
| Other: | <u>\$0.00</u> | <u>\$ n/a</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| Specify: <u>overdue repossessed vehicle</u> | <u>\$6000.00</u> | <u>\$ n/a</u> |
| Installment payments | | |
| Motor vehicle | <u>\$0.00</u> | <u>\$ n/a</u> |
| Credit cards: <u>possibly charged off (overdue)</u> | <u>\$19,000</u> | <u>\$ n/a</u> |
| Department stores | <u>\$0.00</u> | <u>\$ n/a</u> |
| Other: <u>Electric/Water/tax final bill overdue</u> | <u>\$2032</u> | <u>\$ n/a</u> |
| Alimony, maintenance, and support paid to others | <u>\$0.00</u> | <u>\$ n/a</u> |
| Regular expenses for operation of business, profession, Or farm (attach detailed statement) | <u>\$0.00</u> | <u>\$ n/a</u> |
| Other (specify) _____ | <u>\$0.00</u> | <u>\$ n/a</u> |

Total monthly expenses: \$273141.99 \$ 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 If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for service in connection with this case, including the completion of this form? No

If yes, how much? _____

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

11. Have you paid - or will you pay 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:

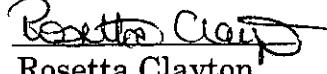
8. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? Yes. Petitioner will continue to look for employment and fight diligently for disability case concerning injuries sustained while deployed to Iraq. Currently, Petitioner has had several incidents in which email and job accounts have been compromised. In addition, Petitioner has had problems with funds being stolen from both her USAA and Navy Federal Credit Union account (closed) which has been reported to Consumer Finance with supporting evidence. Further, Petitioner has filled out identity theft form on ID.gov, to date no action has been taken to assist in correcting any of the above-mentioned incidents.

12. Provide any other information that will help explain why you cannot pay the cost of this case. In the case of Navy Federal Credit Union v Rosetta M Clayton my home was foreclosed, and a writ of possession was ordered 7 September 2022 and finalized on 8 December 2022. Due to the eviction, I owe excessive amounts of money. In hopes of saving my house I borrowed money from a family member to pay \$297 to submit a counterclaim and \$50 to do a default judgment when my counterclaim was ignored by both court and plaintiff. Not to mention, the \$6000 money owed from my automobile being repossessed and \$19000 owed to credit card debt. However, I filed a complaint with Consumer Finance concerning both credit card debt and automobile due to error by both USAA and NFCU which upon completion of investigation should clear both debts. I have had numerous problems since my identity was stolen which I have reported to FBI cyber-crime. In addition, I filed a complaint with FBI Cyber Crime concerning several occasions in which my SSN was hacked along with all of my email accounts and job accounts. Further, I filed a complaint with Consumer Finance concerning stolen funds from both my Navy Federal and USAA checking accounts which caused me to apply for a joint account with my brother. Previously applied for hardship and rejected due to brother living in household. After being evicted from home, the family split up and I now live with my mother. Approved for hardship upon application for appeal to State Supreme Court. Although diligently searching for employment, I am currently unemployed. My identity being stolen has caused several problems concerning all of my email accounts, banking accounts, websites, job search accounts, etc...I continually file complaints with Consumer Finance and FBI to work through these issues; but to date no remedy has been found. Although I share joint ownership of property with my brother and sister, neither want to sale said property nor have I received any compensation for said property. Further, although I have tried to remedy the AL tax due of 1800, due to all of my accounts being hacked I have been unable to close out the account. The IRS is claiming that my TSP account is not tax exempt because it is a trust fund. However, all of my research found that it is a tax-exempt government retirement fund. Additionally, all of the payments made toward paying these taxes have not been received. I have had this problem before, and it turned out that I was paying into the group account instead of an individual account. I hope to find a remedy to this problem soonest;

however, until Consumer Finance and FBI fix my identity problem, I am unable to proceed further.

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

Executed on: 01 September, 2023


Rosetta Clayton
4501 Dan River Rd.,
Montgomery, AL 36108
Rclayton4501@gmail.com
334-544-9231