

23-5538

Supreme Court, U.S.
FILED

AUG 28 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

NOEL BROWN — PETITIONER
(Your Name)

VS.

ERIC W. TICE, WARDEN, SCL. SOMERSET RESPONDENT(S)

MR. Hollibaugh, Acting WARDEN

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):

SUPERIOR COURT OF PENNSYLVANIA, W. DIST. & SOMERSET COUNTY COURT COMMON PLEAS.

SUPREME COURT OF PENNSYLVANIA, W. DIST.

SUPERIOR COURT OF PENNSYLVANIA, W. DIST.

☐ 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.



(Signature)

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

I, NOEL BROWN, 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	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): <u>none</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

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
NONE	N/A	N/A	\$ NONE 0
NONE	N/A	N/A	\$ NONE 0
NONE	N/A	N/A	\$ NONE 0

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
NONE	N/A	N/A	\$ 0
NONE	N/A	N/A	\$ 0
NONE	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ 0
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
NONE	\$ 0	\$ 0
NONE	\$ 0	\$ 0
NONE	\$ 0	\$ 0

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

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model 0
Value 0

☐ Motor Vehicle #2
Year, make & model 0
Value 0

☐ Other assets
Description NONE
Value 0

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	\$ 0	\$ 0
NONE	\$ 0	\$ 0
NONE	\$ 0	\$ 0

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. BROWN	DAUGHTER	18
O. BROWN	SON	20
N. B [REDACTED]	DAUGHTER	13

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

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: N/A	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): NONE	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: NONE	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): NONE	\$ 0	\$ 0
Total monthly 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? N/A

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 A PLAINTIFF/PETITIONER IN THIS CASE AND DECLARE THAT I AM
UNABLE TO PAY THE COSTS OF THESE PROCEEDINGS AND I BELIEVE THAT
I AM ENTITLED TO THE RELIEF REQUESTED IN THIS ACTION. IN SUPPORT
OF THIS APPLICATION TO PROCEED IN (IFP) I DECLARE THE ABOVE

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

Executed on: 08-28-2023, 20__



(Signature)

C.A. No. _____

CERTIFICATION OF PRISON ACCOUNT STATEMENT

NOTICE TO PRISONER: You must submit to this Court a certified copy of your prison trust fund account statement (or institutional equivalent) for each institution in which you have been confined for the six-month period immediately preceding the date of this application. 28 U.S.C. §1915(a)(2). If you were housed in more than one institution in the past 6 months, a copy of the certification must be completed by each institution. The following certification from an authorized officer of your institution(s) must accompany the account statement(s):

NOTICE TO PRISON OFFICIALS: Pursuant to the Prison Litigation Reform Act, you will be obligated to forward payments to the appropriate United States District Court if the prisoner herein is granted leave to proceed in forma pauperis. 28 U.S.C. § 1915(b)(2). Pursuant to that statute, once an initial partial fee is paid, the prison official in charge of the prisoner's account must forward monthly payments of 20% of the income credited to the prisoner's account during the preceding month, each time the amount in the account exceeds \$10, until the entire filing and/or docketing fee has been paid.

I certify that the attached trust fund account statement (or institutional equivalent) is true and correct.

Sheela Sellar, Acting Accountant
Authorized Officer of Institution



Integrated Offender Case Management System

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Monthly Account Statement - Individual

From Date: 02/08/2023

To Date: 08/08/2023

Housing	Case ID	Offender Name	Location	
C-B-1011-01	MW0387	BROWN,NOEL	SOMERSET	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
SMR-056028	02/08/2023	32 - Commissary (SMR COMMISSARY CR FOR 02/08/2023)	+0.22	4.92
SMR-056057	02/12/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+30.00	34.92
SMR-056057	02/12/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-7.50	27.42
SMR-056057	02/12/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-6.00	21.42
SMR-056063	02/13/2023	32 - Commissary (SMR COMMISSARY FOR 02/13/2023)	-9.44	11.98
SMR-056096	02/16/2023	13 - Personal Gifts (ONE , SHOT)	+30.00	41.98
SMR-056096	02/16/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-7.50	34.48
SMR-056096	02/16/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-6.00	28.48
SMR-056100	02/16/2023	37 - Postage (First Class Mail)	-10.05	18.43
SMR-056112	02/17/2023	37 - Postage (First Class Mail)	-0.84	17.59
SMR-056126	02/21/2023	13 - Personal Gifts (THOMAS , ODAKA)	+65.00	82.59
SMR-056126	02/21/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-16.25	66.34
SMR-056126	02/21/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-13.00	53.34
SMR-056128	02/21/2023	32 - Commissary (SMR COMMISSARY FOR 02/21/2023)	-10.20	43.14
SMR-056141	02/22/2023	32 - Commissary (SMR COMMISSARY CR FOR 02/22/2023)	+0.23	43.37
SMR-056143	02/22/2023	37 - Postage (First Class Mail)	-0.60	42.77
SMR-056143	02/22/2023	37 - Postage (First Class Mail)	-0.60	42.17
SMR-056186	02/27/2023	32 - Commissary (SMR COMMISSARY FOR 02/27/2023)	-22.25	19.92
SMR-056188	02/27/2023	37 - Postage (First Class Mail)	-1.08	18.84
SMR-056264	03/06/2023	32 - Commissary (SMR COMMISSARY FOR 03/06/2023)	-2.59	16.25
SMR-056266	03/06/2023	37 - Postage (First Class Mail)	-0.84	15.41
SMR-056288	03/08/2023	37 - Postage (First Class Mail)	-0.60	14.81
SMR-056293	03/08/2023	37 - Postage (First Class Mail)	-7.44	7.37
SMR-056296	03/08/2023	32 - Commissary (SMR COMMISSARY CR FOR 03/08/2023)	+0.45	7.82
SMR-056320	03/10/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+20.00	27.82
SMR-056320	03/10/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-5.00	22.82
SMR-056320	03/10/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-4.00	18.82
SMR-056352	03/13/2023	32 - Commissary (SMR COMMISSARY FOR 03/13/2023)	-0.81	18.01
SMR-056373	03/15/2023	37 - Postage (First Class Mail)	-0.60	17.41
SMR-056373	03/15/2023	37 - Postage (First Class Mail)	-1.98	15.43
SMR-056373	03/15/2023	37 - Postage (First Class Mail)	-0.84	14.59
SMR-056387	03/16/2023	37 - Postage (First Class Mail)	-0.60	13.99
SMR-056387	03/16/2023	37 - Postage (First Class Mail)	-0.84	13.15
SMR-056402	03/17/2023	37 - Postage (First Class Mail)	-10.55	2.60
SMR-056403	03/17/2023	36 - Library Copies (COPIES)	-2.60	0.00



Integrated Offender Case Management System

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Monthly Account Statement - Individual

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To Date: 08/08/2023

Housing	Case ID	Offender Name	Location	
C-B-1011-01	MW0387	BROWN,NOEL	SOMERSET	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
SMR-056460	03/24/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+40.00	40.00
SMR-056460	03/24/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-10.00	30.00
SMR-056460	03/24/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-8.00	22.00
SMR-056483	03/27/2023	32 - Commissary (SMR COMMISSARY FOR 03/27/2023)	-21.67	0.33
SMR-056502	03/29/2023	13 - Personal Gifts (THOMAS , ODAKA)	+100.00	100.33
SMR-056502	03/29/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-25.00	75.33
SMR-056502	03/29/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-20.00	55.33
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-0.60	54.73
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-0.60	54.13
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-0.60	53.53
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-1.08	52.45
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-0.60	51.85
SMR-056517	03/30/2023	37 - Postage (First Class Mail)	-0.84	51.01
SMR-056559	04/03/2023	32 - Commissary (SMR COMMISSARY FOR 04/03/2023)	-13.44	37.57
SMR-056615	04/07/2023	37 - Postage (First Class Mail)	-0.84	36.73
SMR-056615	04/07/2023	37 - Postage (First Class Mail)	-0.84	35.89
SMR-056615	04/07/2023	37 - Postage (First Class Mail)	-2.22	33.67
SMR-056623	04/10/2023	32 - Commissary (SMR COMMISSARY FOR 04/10/2023)	-1.62	32.05
SMR-056641	04/11/2023	36 - Library Copies (COPIES)	-2.90	29.15
SMR-056663	04/13/2023	37 - Postage (First Class Mail)	-0.60	28.55
SMR-056663	04/13/2023	37 - Postage (First Class Mail)	-0.60	27.95
SMR-056663	04/13/2023	37 - Postage (First Class Mail)	-0.60	27.35
SMR-056695	04/17/2023	32 - Commissary (SMR COMMISSARY FOR 04/17/2023)	-6.47	20.88
SMR-056780	04/24/2023	32 - Commissary (SMR COMMISSARY FOR 04/24/2023)	-9.69	11.19
SMR-056808	04/27/2023	36 - Library Copies (COPIES)	-0.40	10.79
SMR-056835	05/01/2023	32 - Commissary (SMR COMMISSARY FOR 05/01/2023)	-6.38	4.41
SMR-056840	05/01/2023	41 - Medical Co-Pay (MEDICAL COPAY 4/27/23)	-5.00	-0.59
SMR-056842	05/01/2023	37 - Postage (First Class Mail)	-0.24	-0.83
SMR-056893	05/06/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+20.00	19.17
SMR-056893	05/06/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-5.00	14.17
SMR-056893	05/06/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-4.00	10.17
SMR-056895	05/08/2023	13 - Personal Gifts (THOMAS , ODAKA)	+100.00	110.17
SMR-056895	05/08/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-25.00	85.17
SMR-056895	05/08/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-20.00	65.17
SMR-056901	05/08/2023	36 - Library Copies (COPIES)	-0.60	64.57
SMR-056903	05/08/2023	37 - Postage (First Class Mail)	-0.60	63.97



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To Date: 08/08/2023

Housing	Case ID	Offender Name	Location	
C-B-1011-01	MW0387	BROWN,NOEL	SOMERSET	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
SMR-056903	05/08/2023	37 - Postage (First Class Mail)	-1.98	61.99
SMR-056903	05/08/2023	37 - Postage (First Class Mail)	-0.84	61.15
SMR-056968	05/15/2023	32 - Commissary (SMR COMMISSARY FOR 05/15/2023)	-50.92	10.23
SMR-056986	05/16/2023	13 - Personal Gifts (THOMAS , ODAKA)	+50.00	60.23
SMR-056986	05/16/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-12.50	47.73
SMR-056986	05/16/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-10.00	37.73
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-2.22	35.51
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-1.98	33.53
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.60	32.93
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.60	32.33
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.84	31.49
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-2.22	29.27
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.84	28.43
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.84	27.59
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.60	26.99
SMR-056991	05/16/2023	37 - Postage (First Class Mail)	-0.60	26.39
SMR-057016	05/18/2023	37 - Postage (First Class Mail)	-0.60	25.79
SMR-057016	05/18/2023	37 - Postage (First Class Mail)	-0.60	25.19
SMR-057030	05/19/2023	37 - Postage (First Class Mail)	-0.60	24.59
SMR-057038	05/22/2023	32 - Commissary (SMR COMMISSARY FOR 05/22/2023)	-9.65	14.94
SMR-057046	05/22/2023	37 - Postage (First Class Mail)	-0.60	14.34
SMR-057046	05/22/2023	37 - Postage (First Class Mail)	-0.60	13.74
SMR-057064	05/23/2023	36 - Library Copies (COPIES)	-8.70	5.04
SMR-057067	05/23/2023	37 - Postage (First Class Mail)	-0.60	4.44
SMR-057067	05/23/2023	37 - Postage (First Class Mail)	-0.60	3.84
SMR-057074	05/24/2023	36 - Library Copies (COPIES)	-3.40	0.44
SMR-057222	06/09/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+50.00	50.44
SMR-057222	06/09/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-12.50	37.94
SMR-057222	06/09/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-10.00	27.94
SMR-057227	06/09/2023	37 - Postage (First Class Mail)	-0.84	27.10
SMR-057227	06/09/2023	37 - Postage (First Class Mail)	-2.22	24.88
SMR-057227	06/09/2023	37 - Postage (First Class Mail)	-0.84	24.04
SMR-057246	06/12/2023	32 - Commissary (SMR COMMISSARY FOR 06/12/2023)	-1.03	23.01
SMR-057279	06/15/2023	37 - Postage (First Class Mail)	-10.75	12.26
SMR-057286	06/16/2023	37 - Postage (First Class Mail)	-1.08	11.18
SMR-057286	06/16/2023	37 - Postage (First Class Mail)	-10.05	1.13



Integrated Offender Case Management System

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Monthly Account Statement - Individual

From Date: 02/08/2023

To Date: 08/08/2023

Housing	Case ID	Offender Name	Location
C-B-1011-01	MW0387	BROWN, NOEL	SOMERSET

Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
SMR-057299	06/20/2023	37 - Postage (First Class Mail)	-1.08	0.05
SMR-057342	06/26/2023	13 - Personal Gifts (THOMAS , ODAKA)	+80.00	80.05
SMR-057342	06/26/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-20.00	60.05
SMR-057342	06/26/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-16.00	44.05
SMR-057343	06/26/2023	32 - Commissary (SMR COMMISSARY FOR 06/26/2023)	-37.38	6.67
SMR-057357	06/27/2023	32 - Commissary (SMR COMMISSARY CR FOR 06/27/2023)	+2.93	9.60
SMR-057405	07/03/2023	37 - Postage (First Class Mail)	-0.24	9.36
SMR-057405	07/03/2023	37 - Postage (First Class Mail)	-0.24	9.12
SMR-057405	07/03/2023	37 - Postage (First Class Mail)	-2.94	6.18
SMR-057409	07/03/2023	32 - Commissary (SMR COMMISSARY FOR 07/03/2023)	-1.30	4.88
SMR-057426	07/05/2023	37 - Postage (First Class Mail)	-0.60	4.28
SMR-057426	07/05/2023	37 - Postage (First Class Mail)	-0.60	3.68
SMR-057470	07/10/2023	37 - Postage (First Class Mail)	-0.63	3.05
SMR-057487	07/11/2023	37 - Postage (First Class Mail)	-0.63	2.42
SMR-057487	07/11/2023	37 - Postage (First Class Mail)	-0.63	1.79
SMR-057511	07/13/2023	37 - Postage (First Class Mail)	-0.87	0.92
SMR-057511	07/13/2023	37 - Postage (First Class Mail)	-0.63	0.29
SMR-057511	07/13/2023	37 - Postage (First Class Mail)	-0.63	-0.34
SMR-057716	08/04/2023	13 - Personal Gifts (CHAMBERS , SHERON)	+30.00	29.66
SMR-057716	08/04/2023	50 - Act 84 (CP-64-CR-0000258-2016)	-7.50	22.16
SMR-057716	08/04/2023	39 - Federal Filing Fees (3:22-cv-20-KAP)	-6.00	16.16
SMR-057718	08/04/2023	37 - Postage (First Class Mail)	-7.75	8.41
SMR-057750	08/07/2023	32 - Commissary (SMR COMMISSARY FOR 08/07/2023)	-6.75	1.66

Current, Escrow, & Available Balances are as of 8/8/2023 9:14:12 AM				
Current Balance	1.66			
Escrow Balance	0.00			
Available Balance	1.66			