

No. 23-6758

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 15 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Frank Bernard Johnson — PETITIONER
(Your Name)

VS.
The Solicitor General of the United States 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):

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.

Frank B Johnson
(Signature)

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

I, Frank Bernard Johnson, 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>1,426</u>	\$ <u>0</u>	\$ <u>1,035</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	<u>\$ 1,426</u>	<u>\$ 0</u>	<u>\$ 1,035</u>	<u>\$ 0</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
Pork Barrel BBQ	2312 Mt Vernon Ave Alexandria Virginia	07/27/23-1/1/23	\$ 200
Home Depot	4005 Pickett St. Alexandria Virginia	02/21/17 - Present	\$ 1,380

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 96.00

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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Home
Value _____

Other real estate
Value _____

Motor Vehicle #1
Year, make & model 1999 BMW 328i
Value \$0 (Inoperable)

Motor Vehicle #2
Year, make & model _____
Value _____

Other assets
Description The vehicle listed above is in a state of disrepair.
Value \$0 (Inoperable)

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
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>

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
<u>Mary Johnson</u>	<u>Mother</u>	<u>77</u>
<u>M.E.D</u>	<u>Daughter</u>	<u>1</u>

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)	\$ <u>461</u>	\$ <u>N/A</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>130</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>20</u>	\$ <u>N/A</u>
Food	\$ <u>280</u>	\$ <u>N/A</u>
Clothing	\$ <u>16</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>4.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>60</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 60	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 38	\$ 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: _____	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 220	\$ N/A
Department store(s)	\$ 0	\$ N/A
Other: _____	\$ 0	\$ N/A
Alimony, maintenance, and support paid to others	\$ 57	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify): _____	\$ 0	\$ N/A
Total monthly expenses:	<u>\$ 1,289</u>	<u>\$ N/A</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 declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____, 20____

Frank Johnson
(Signature)

Declaration In Support Of Motion For Leave To Proceed In Forma Pauperis question 12

Frank Bernard Johnson

In the above section I put forth my best effort to accurately quantify my monthly income and expenditures. Recalling my annual expenses allowed me to reflect on the past year as well as years prior. Taking measure of my expenses in this way is an act that as of recently has become quite foreign to me. Fearfulness of not being able to manage my funds or ultimately defaulting on my debts and obligations is a haunting notion; which often compels me in many financial instances to abstain from noting or itemizing purchases in deliberate detail; I instead often maintain a willful ignorance regarding my adequacy of funds. While I regard this self-admitted practice as both shameful and detestable; I am grateful to both God and natural circumstances for providing me the means to keep the reality of abject poverty at bay or at least deferring its approach for the time being. My current financial circumstance is such that the majority of my expenditures are paid on credit and my wages most months are applied directly to that debt's reduction. Over the last year circumstances, many of them unforeseen have revealed the fragility in my methodology as it pertains to my management of funds. I currently have a missing daughter and an ill relative and between the unexpected expenditure of funds that come with trying to locate my daughter and providing increased assistance to my ill relative, time has also become a scarcity which has impeded my ability to financially accommodate these changes in schedule and fluctuations in finance. I would be remiss if I didn't regard my parental pursuits as a contributing factor, albeit a modest contribution monetarily. At the end each month after paying my credit card bill I typically have between \$5.00 and \$ 25.00 remaining in my checking account. As I stated previously I'm grateful to both God and the Universe for providing me the appropriate means thus far, and the realization of the frailty of my financial condition becomes

more apparent with each day that doesn't lead to finding my daughter and with each hospital visit with my ill relative. As it relates to this particular matter in which I am attempting to bring before the court, I've had the experience of both promptly paying a filing fee when requested by a lower court as well as filing as indigent at another lower court at time in which the remainder of the funds in my checking account had already been allocated toward placing an order of publication in The Washington Times, in the hopes of finding my daughter the following day. Ultimately that filing was dismissed and deemed untimely due to the fee not being satisfied as well as proof of indigency not adequately satisfied. This being the highest court as well as potentially the first and last opportunity to have my appeal heard, I humbly request the court's consideration of my request to proceed In Forma Pauperis.