

No.

IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS G. O'LEAR, Petitioner

VS.

UNITED STATES OF AMERICA, Respondent

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 courts:

United States Court of Appeals for the Sixth Circuit

Respectfully Submitted,



Kevin M. Schad
Attorney for Petitioner
Appellate Director
Office of the Federal Public Defender
Southern District of Ohio
250 E. Fifth St.
Suite 350
Cincinnati OH 45202
(513) 929-4834
Fax (513) 929-4842
Kevin_schad@fd.org

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent this 1st day of April, 2024, by U.S. mail, to the office of the Solicitor General, as well as through electronic filing.



Kevin M. Schad
Attorney for Petitioner

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

I, THOMAS O'LEAR, 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>70</u>	\$ <u>70,000</u>	\$ <u>70</u>	\$ <u>6,200.00</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>70</u>	\$ <u>70,000</u>	\$ <u>70</u>	\$ <u>6,200.00</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
UNICOR	Fort Dix	2/23 - current	\$ 70
			\$
			\$

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
Gentle Shepherd Counseling Center	1469 S. Main N. Canton OH 44720	Nov. 2019 - Current	\$ 3800.00
Guiding House	4429 Fulton Dr. Canton OH	Oct 2022 - Current	\$ 2400.00
Howard Hanna	Home 8948 Kennelwood Circle	Oct 2022 - Current	\$ -0 -

4. How much cash do you and your spouse have? \$ 60.00
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
Self (Commissioning Account)	\$ 50	\$ 0
Checking	\$ 0	\$ 40.00
	\$ 0	\$

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

<input checked="" type="checkbox"/> Home Value 270,000	<input type="checkbox"/> Other real estate Value N/A
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model Dodge Durango Value 18,000	<input type="checkbox"/> Motor Vehicle #2 Year, make & model N/A Value
<input type="checkbox"/> Other assets Description N/A 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
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</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>CO</u>	<u>SON</u>	<u>15</u>
<u>CO</u>	<u>SON</u>	<u>15</u>
<u>CO</u>	<u>SON</u>	<u>15</u>
<u>MO</u>	<u>SON</u>	<u>11</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>0</u>	<u>varies adj. rate</u> \$ <u>1,800 - 2,200/month</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" 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>0</u>	\$ <u>700</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>150</u>
Food	\$ <u>20</u>	\$ <u>600 - 800</u>
Clothing	\$ <u>0</u>	\$ <u>0 - 200</u>
Laundry and dry-cleaning	\$ <u>4</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>6</u>	\$ <u>50</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>300</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>50</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>135-</u>
Life	\$ <u>0</u>	\$ <u>150.-</u>
Health	\$ <u>0</u>	\$ <u>150.-</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>145.-</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>

Taxes (not deducted from wages or included in mortgage payments)

(specify): <u>Property Taxes (not included in mortgage)</u>	\$ <u>0</u>	\$ <u>470.00</u>
---	-------------	------------------

Installment payments

Motor Vehicle	\$ <u>0</u>	\$ <u>615.00</u>
Credit card(s)	\$ <u>0</u>	\$ <u>425.00</u>
Department store(s)	\$ <u>0</u>	\$ <u>60.00</u>
Other: <u>FRP 1/2 of check per month</u>	\$ <u>35</u>	\$ <u>200.00</u>

Alimony, maintenance, and support paid to others

\$ <u>0</u>	\$ <u>0</u>
-------------	-------------

Regular expenses for operation of business, profession, or farm (attach detailed statement)

\$ <u>0</u>	\$ <u>140.00</u>
-------------	------------------

Other (specify): _____

\$ <u>0</u>	\$ <u>0</u>
-------------	-------------

Total monthly expenses:

\$ <u>65</u>	\$ <u>6640.00</u>
	\$ <u>6640.00</u>

- air conditioner payment plan

real estate license fee

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? _____

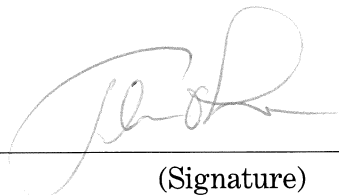
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I AM IN PRISON. My spouse is Trying To Make it on her own, supporting 4 minor children, and doesn't have any additional monies to assist in paying for an attorney. 1/2 of My Monthly Income goes toward fines and Restitution.

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

Executed on: MARCH 6, 2024


(Signature)