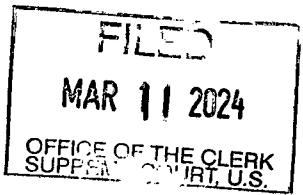


No. 23-7197 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Michael David Logering and
Wendy Ann Acker,
Joined Petitioners, Pro Se



VS.

Morrison County Sheriff's Department, et. al.,
Respondents

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioners ask leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioners have previously been granted leave to proceed *in forma pauperis* in the following courts:

Morrison County Seventh Judicial District

Judge Anderson Order Grants IFP for Acker August 29, 2022 (Appendix C6)
Judge Wetzel Order Grants IFP for Logering August 29, 2022 (Appendix C7)
Judge Kulick Supplemental Order August 11, 2023 (Appendix C2)

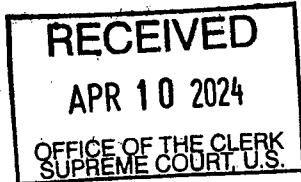
United States District Court, District of Minnesota

Judge Blackwell Orders May 5, 2023 and June 5, 2023 (Appendix B4 and B1)

The appointment was made under the following provision of law: Minnesota Statute 563.01

A copy of the order(s) of appointment is appended.

Michael Logering
Wendy Acker



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

I, Wendy Ann Acker, 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>1,060</u>	\$ <u>N/A</u>	\$ <u>1,580</u>	\$ <u>— N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Interest and dividends	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Gifts	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Alimony	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Child Support	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Unemployment payments	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Total monthly income:	\$ <u>1,060</u>	\$ <u>N/A</u>	\$ <u>1,580</u>	\$ <u>N/A</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
<u>Focused Living</u>	<u>Lake Falls, MN</u>	<u>3/7/24-present</u>	<u>\$ 1,580 (0 JAN, FEB 2024)</u>
<u>Gratian Health Care</u>	<u>Fort Ripley, MN</u>	<u>OCT 23 - DEC 23</u>	<u>\$ 0 in 2024</u>
<u>Teachers On Call - Kelly</u>	<u>Bloomington, MN</u>	<u>JAN 22-present</u>	<u>\$ 0 APRIL 2024 (\$300 AVE JAN, FEB, MAR)</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>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>\$ n/a</u>
<u>↓</u>	<u>↓</u>	<u>↓</u>	<u>\$ ↓</u>

4. How much cash do you and your spouse have? \$ 50
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
<u>Checking</u>	<u>\$ 50</u>	<u>\$ n/a</u>
	<u>\$</u>	<u>\$</u>
	<u>\$</u>	<u>\$</u>

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 1995 Suburban
Value \$450.00

Motor Vehicle #2
Year, make & model 1998 Silverado
Value \$150.00 (blown engine)

Other assets
Description MOTOR VEHICLE #3 2000 CHEV. SILVERADO
Value \$100 (non-driveable)

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> </u> ↓	\$ <u> </u> ↓	\$ <u> </u> ↓
<u> </u>	\$ <u> </u>	\$ <u> </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>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u> </u> ↓	<u> </u> ↓	<u> </u> ↓
<u> </u>	<u> </u>	<u> </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>n/a</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>225</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>200</u>	\$ <u> </u>
Food	\$ <u>300</u>	\$ <u> </u>
Clothing	\$ <u>60</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>60</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u> </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 300	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 100	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ _____
Life	\$ 0	\$ _____
Health	\$ 0	\$ _____
Motor Vehicle	\$ 60	\$ _____
Other: _____	\$ 0	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ _____
Credit card(s)	\$ 0	\$ _____
Department store(s)	\$ 0	\$ _____
Other: <u>Student Loan</u>	\$ 349	\$ _____
Alimony, maintenance, and support paid to others	\$ 0	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ _____
Other (specify): <u>Vehicle debt</u>	\$ 10	\$ _____
Total monthly expenses:	\$ 1684	\$ 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 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.

My expenses are more than my income. I fall within the poverty guidelines. I was granted IFP status in lower courts (see attached orders).

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

Executed on: April 5, 2024

Debra Aler
(Signature)

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

I, Michael David Lopering, 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>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Interest and dividends	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Gifts	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Alimony	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Child Support	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>943</u> <small><u>SS1 3/686</u> <u>SSD 1/257</u></small>	\$ <u> </u>	\$ <u>943</u>	\$ <u> </u>
Unemployment payments	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Other (specify): _____	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Total monthly income:	\$ <u>943</u>	\$ <u>N/A</u>	\$ <u>943</u>	\$ <u>N/A</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
N/A	N/A	N/A	\$ N/A
↓	↓	↓	\$ ↓
			\$

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	N/A	N/A	\$ N/A
↓	↓	↓	\$ ↓
			\$

4. How much cash do you and your spouse have? \$ 20
 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
Savings	\$ 20	\$ N/A
	\$	\$
	\$	\$

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 2004 Chev. Silverado
 Value \$1,000

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

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 money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </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>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </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>N/A</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>85</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>100</u>	\$ <u> </u>
Food	\$ <u>300</u>	\$ <u> </u>
Clothing	\$ <u>50</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>40</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u> </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 250	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 200	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 40	\$
Other: _____	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 0	\$
Credit card(s)	\$ 12	\$
Department store(s)	\$ 12	\$
Other: _____	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): _____	\$ 0	\$
Total monthly expenses:	\$ 1,089	\$ 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 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.

My expenses are more than my income. My only income is from the government as I have disabilities. I struggle to survive and cannot pay the extraordinary fees required to redress the government. I have also been granted IFP status in lower courts. (See attached orders)

Executed on: April 5, 2024

Michael J. Togergie
(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**