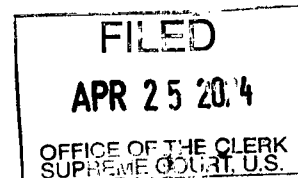


23-7399

Supreme Court of the United States
1 First St. NE
Washington, DC 20543
(202)479-3000

ORIGINAL



In re: Gilbert M. Martinez
petitioner

vs.

Docket no. _____

The United States Court of Appeals
For the Third Circuit,
Respondent

MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

Affidavit in Support of Motion:

I swear under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my petition for Mandamus or post a bond. I believe I am entitled to redress. I swear under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

signed: Date: 4/24/2024

signature

A handwritten signature in cursive script, appearing to read "Gilbert M. Martinez", written over a horizontal line.

My issues on petition are:

- a. The Circuit court in an abuse of the courts discretion concluded relief under Rule 60(b)(6) could not be obtained because appellant could of sought the same relief by means of appeal.
- b. The Circuit court in an abuse of the courts discretion concluded the district court was without jurisdiction to alter the mandate of their court on the basis of matters included or includable in [a] prior appeal.
- c. The Circuit court in an abuse of the courts discretion did not discuss the merits and give its reasons for rejecting the argument raised on appeal that the trial court judge violated Federal Rule 12(b)(2) when he dismissed the case for lack of subject matter Jurisdiction.

d. The Circuit Court in an abuse of the courts discretion held that plaintiff failed to exhaust the Commissioner's administrative remedies which was waivable under the statute 42U.S.C.405(g).

e. The Circuit court abused the courts discretion by not finding the trial court judge was required to recuse himself in accordance with plaintiffs affidavit filed under 28 USC144 ?

f. The Circuit court abused the courts discretion by not finding the trial court arbitrarily granted defendants motion for an enlargement of time that failed to show good cause ?

Income Source:

Employment 0

Self-employment 0

Income from real property (such as rental income)0

Interest and dividends 0

Gifts 0

Alimony 0

Child support 0

Retirement (such as social security, pensions, annuities, insurance) 0

Disability (such as social security, insurance payments) 0

Unemployment payments 0

Public-assistance (such as welfare) 0

Other (specify): Snap benefits

Total monthly income: 0

2. List your 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 : unemployed since 2018

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

4. How much cash do you and your spouse have? 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: 46,000 dollars

Other real estate: **None**

Motor vehicle #1

1, 200 dollars

Make and year: 2009 Volkswagen

Model: Jetta

Registration #: N/A

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: **0**

7. State the persons who rely on you or your spouse for support: **N/A**

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, semiannually, or annually to show the monthly rate.

You Your Spouse Rent or home-mortgage payment (including lot rented for mobile home) **0** Are real estate taxes included? No

Is property insurance included No

Utilities (electricity, heating fuel): **Li-heap**, water & sewer **0** telephone: **Lifeline**

Home maintenance (repairs and upkeep) **0**

Food : **EBT**

Clothing: **0**

Laundry and dry-cleaning **\$ 2.50**

Medical and dental expenses **Medicaid**

Transportation (not including motor vehicle payments) **\$20.00**

Recreation, entertainment, newspapers, magazines, etc. **0**

Insurance (not deducted from wages or included in mortgage payments) **0**

Homeowner's or renter's: **0**

Life: **0**

Health: **0**

Motor vehicle: **0**

Other: **0**

Taxes (not deducted from wages or included in mortgage payments) (specify): In dispute

Motor Vehicle: **0**

Credit card (name): **0**

Department store (name): 0

Other: 0

Alimony, maintenance, and support paid to others; N/A

Regular expenses for operation of business, profession, or farm : N/A

Other (specify): N/A

Total monthly expenses: 22.50

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? No

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? No

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? No

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I am below the governmental threshold of poverty

13. State the [city and state] of your legal residence. Reading, Pennsylvania

Your daytime phone number: (610) 401-4368

Your age: 54 Your years of schooling: 12