

24-5044

No.

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

FILED

APR 30 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

EXTREME EMERGENCY PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS
AND PROHIBITION AGAINST THE STATE OF NEW MEXICO, NEW MEXICO
SUPREME COURT, 2ND DISTRICT COURT, 7TH DISTRICT COURT, 13TH DISTRICT
COURT, US DISTRICT COURT 10TH CIRCUIT FOR THE DISTRICT OF NEW MEXICO,
NEW MEXICO LIVESTOCK BOARD, NEW MEXICO OFFICE OF THE STATE
ENGINEER, JOHN D'ANTONIO, WAYNE CANON, MICKEY CHAPEL, JENNIFER
CHAPEL, BENJAMIN CHAPEL, JOHN CHAPEL, DARRON "SHAWN" DAVIS,
FRANCISCO "CISCO" LOVATO, JUSTIN GRAY, MANUEL MONTE, GEORGE
MENDOZA; REQUEST FOR RELIEF AND PROHIBITION AGAINST EACH HAVING
ANY FUTURE CONTACT OR INTERFERENCE WITH ANY OF THE REAL OR
PERSONAL PROPERTY OF SOVEREIGN CITIZEN DAVID BRIAN DERRINGER

In Re: DAVID BRIAN DERRINGER,

Petitioner-Pro-Se, Box 7431, Albuquerque, New Mexico 87194: (505) 227-7229

On Petition for Extraordinary Writ of Mandamus and Prohibition is under Rule 20, Rule 14, 33,
34, authorized by 28 USC 1651 (a), 2241, and 2254(a).

PETITIONER DAVID BRIAN DERRINGER

MOTION TO PROCEED IN FORMA PAUPERIS

Pursuant to Indigency, the Petitioner, DAVID BRIAN DERRINGER as Petitioning Pro-Se, request that the Court grant leave to proceed in forma pauperis. In support of this Motion, the Petitioner avers that: I, Petitioner have included affidavit as to income and expenses to sustain lack of filing fees, and wherein the Court clerk has granted need for only one copy of the Petition and Addendum Exhibits.

WHEREFORE, the Petitioner, DAVID BRIAN DERRINGER respectfully requests that he be allowed to proceed in forma pauperis without payment of filing fees or service of notice fees, and for such other relief as the Court deems just and proper.

Respectfully submitted this 26th day of April, 2024.

RECEIVED

APR 30 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Respectfully Submitted:by David Brian Derringer
David Brian Derringer P.O. Box 7431 Albuquerque, New Mexico 87194 (505)2277229

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

I, David Deminger, 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	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): <u>SS</u>	\$ <u>840.00</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>840.00</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
	<u>N/A</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>		\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ 65⁰⁰
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 1997 FORD
Value \$20,000

☐ 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

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

N/A

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/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, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ 700.00 \$ _____

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ _____ \$ _____

Home maintenance (repairs and upkeep)

\$ _____ \$ _____

Food

\$ 50.00 \$ _____

Clothing

\$ _____ \$ _____

Laundry and dry-cleaning

\$ _____ \$ _____

Medical and dental expenses

\$ _____ \$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>100</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ <u>55.00</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: <u>LOAN</u>	\$ <u>150.00</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>1055.00</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: 4-26, 2024

David Brian Wehringer
(Signature)