

No. 24-5340

RECEIVED
SUPREME COURT OF THE UNITED STATES

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

AUG 15 2024

OFFICE OF THE CLERK

Edwin Pawlowski

— PETITIONER

(Your Name)

VS.

United States of America

— 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*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court for the Eastern District of Pennsylvania

United States Court of Appeals for the Third Circuit and District of Columbia

United States District Court for the District of Columbia

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.

Ed Pawlowski

(Signature)

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NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 9/20/2022 at 7:51 PM and filed on 9/20/2022

Case Name: PAWLOWSKI v. UNITED STATES OF AMERICA et al

Case Number: 1:19-cv-03740-TJK

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER granting Plaintiff's [43] Motion for Leave to Appeal *in forma pauperis*. Upon consideration of Plaintiff's [43] motion, it is hereby ORDERED that the motion is GRANTED. The Clerk is directed to transmit a copy of this Order promptly to the United States Court of Appeals for the District of Columbia Circuit. Signed by Judge Timothy J. Kelly on 9/20/2022. (lctjk1)

1:19-cv-03740-TJK Notice has been electronically mailed to:

Bradley Silverman bradley.silverman@usdoj.gov, milton.pettus@usdoj.gov

1:19-cv-03740-TJK Notice will be delivered by other means to::

EDWIN PAWLOWSKI
R #76166-066
CUMBERLAND
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1000
CUMBERLAND, MD 21501

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

May 31, 2024

General Information
(202) 216-7000

Edwin Pawlowski #76166-066
FCI Cumberland
Federal Correctional Institution
P.O. Box 1000
Cumberland, MD 21501

Re: No. 23-5286, Edwin Pawlowski v. USA, et al.

Dear Edwin Pawlowski:

I am writing in response to correspondence received in this office on May 22, 2024, in which you ask for an update on the status of your case, in particular whether you owe any fees and when your brief is due.

Your motion to proceed in forma pauperis was granted, so you do not owe any fees at this time. No briefing schedule has been set yet, and it will not be set until the pending motion to dismiss or for summary affirmance is decided. You will receive a copy of the order when that motion is decided.

For your information, I have enclosed a copy of the docket sheet.

Sincerely,

Alison E. Grossman

Alison E. Grossman
Special Counsel

Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL ACTION

v.

No. 17-390

EDWIN PAWLOWSKI

ORDER

AND NOW, this 5th day of December, 2022, upon consideration of Defendant Edwin Pawlowski's Motion for Leave to Proceed in Forma Pauperis and for Appointment of Counsel (ECF No. 324), it is hereby ORDERED the Motion is GRANTED to the extent it requests leave to proceed in forma pauperis. It is further ORDERED the Motion is DENIED to the extent it requests appointment of counsel.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.

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

I, Edwin Pawlowski, 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	\$ 63.00	\$ 4,457.00	\$ 100.00	\$ 4,457.00
Self-employment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
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): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ 63.00	\$ 4,457.00	\$ 100.00	\$ 4,457

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

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Mercy Pawlowski	Daughter	24
Alex Pawlowski	Son	21
_____	_____	_____

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)	\$ _____	\$ 850.00
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ 600.00
Home maintenance (repairs and upkeep)	\$ _____	\$ 500.00
Food	\$ 250.00	\$ 750.00
Clothing	\$ 25.00	\$ 50.00
Laundry and dry-cleaning	\$ 10.00	\$ 25.00
Medical and dental expenses	\$ 25.00	\$ 400.00

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ _____	\$ 250.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 25.00	\$ 160.00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ N/A
Life	\$ _____	\$ N/A
Health	\$ _____	\$ 300.00
Motor Vehicle	\$ _____	\$ 146.00
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ 10.00
Installment payments		
Motor Vehicle	\$ _____	\$ 0.00
Credit card(s)	\$ _____	\$ 50.00
Department store(s)	\$ _____	\$ _____
Other: <u>Legal Fees from Trial</u>	\$ _____	\$ 100.00
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>Prison Commissary</u>	\$ _____	\$ 200.00
Total monthly expenses:	\$ 260.00	\$ 4,361.00

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>Bureau of Prisons</u>		<u>1/2019 - Present</u>	<u>\$ 100.00</u>
			<u>\$</u>
			<u>\$</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>KS Consultants</u>	<u>1520 Main St.</u>	<u>2019-Present</u>	<u>\$ 4,457.00</u>
	<u>Suite 200</u>		<u>\$</u>
	<u>Warrington, PA 18976</u>		<u>\$</u>

4. How much cash do you and your spouse have? \$ 6,500.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>Wells Fargo</u>	<u>Checking</u>	<u>\$</u>	<u>\$ 2,000</u>
<u>Wells Fargo</u>	<u>Savings</u>	<u>\$</u>	<u>\$ 4,500</u>
<u>Vanguard</u>	<u>TRA</u>	<u>\$</u>	<u>\$ 71,000</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 \$175,000

Other real estate

Value _____

Motor Vehicle #1

Year, make & model Toyota Carolla 2015

Value \$8,000

Motor Vehicle #2

Year, make & model 2011 Subaru Outback

Value \$8,000

Other assets

Description _____

Value _____

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 was the sole bread winner for many years in our household until becoming incarcerated in 2018. My wife now works as a case management consultant and barely makes enough to pay our monthly bills. I don't even make enough as a GED tutor in prison to pay for my monthly commissary and thus rely on my wife. The filing fee and legal costs should my writ be accepted for review are far to costly for us at this time. Please have mercy and allow me to submit forma pauperis. Thank You. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 12, 2024

ESR/Pmt

(Signature)