

No. \_\_\_\_\_

ORIGINAL

24-5518

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

AUG 12 2024

OFFICE OF THE CLERK

Mark E. Brown — PETITIONER  
(Your Name)

VS.

USD 501 SCHOOL DISTRICT 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*.

Please check the appropriate boxes:

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

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS

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.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: \_\_\_\_\_, or \_\_\_\_\_

a copy of the order of appointment is appended.

Mark E. Brown

(Signature)

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

I, MARK E. BROWN, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment - <i>SEE ATTACHMENT</i>	\$ _____	\$ _____	\$ _____	\$ _____
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)	\$ <u>1,285.06</u> <i>SOCIAL SECURITY</i> <u>336.47 - IL PENS</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): <i>SEE ATTACHMENT</i>	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b> <i>SEE ATTACHMENT</i>	\$ _____	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) *SEE ATTACHMENT*

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
			\$
			\$
			\$

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.) *THERE IS NO SPOUSE*

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

<b>Type of account (e.g., checking or savings)</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
<i>CHECKING ACCOUNT</i>	\$ 1,893.09	\$
	\$	\$
	\$	\$

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

Home *I NO APARTMENT LIVING*       Other real estate  
 Value \_\_\_\_\_      Value \_\_\_\_\_

Motor Vehicle #1 *2009 TO 2011*       Motor Vehicle #2  
 Year, make & model *YARLS*      Year, make & model \_\_\_\_\_  
 Value *9,680.05*      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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. *SEE ATTACHMENT*

	You	Your spouse
Rent or home-mortgage payment <i>RENT</i> (include lot rented for mobile home)	\$ <u>600.00</u> <i>per month</i>	\$ _____
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, <i>SEE ATTACHMENT</i> water, sewer, and telephone) <i>APARTMENT MANAGEMENT FEES CANCE</i> <i>OR WATER AND TRASH</i>	\$ _____	\$ _____
Home maintenance (repairs and upkeep) <i>APARTMENT MANAGEMENT FEES CANCE</i> <i>OF MAINTENANCE</i>	\$ _____	\$ _____
Food	\$ <i>BETWEEN 40.00/\$</i> <i>50.00 PER MONTH</i>	\$ _____
Clothing	\$ <i>BETWEEN 40.00/\$</i> <i>50.00 PER MONTH</i>	\$ _____
Laundry and dry-cleaning <i>LAUNDRY UNIT COMES WITH</i> <i>APARTMENT</i>	\$ _____	\$ _____
Medical and dental expenses <i>23.20 COMES WITH MY MEDICAL</i> <i>I HAVE NO DENTAL INSURANCE</i>	\$ <u>23.20</u>	\$ _____

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's <i>THERE IS NO RENTER'S INSURANCE</i>	\$ _____	\$ _____
Life <i>THERE IS NO LIFE INSURANCE</i>	\$ _____	\$ _____
Health - MEDICARE	\$ <u>23.20</u>	\$ _____
Motor Vehicle - <i>CREDIT ACCEPTANCE CAR PAYMENT</i>	\$ <u>284.74</u>	\$ _____
Other: <i>SEE ATTACHMENT</i>	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle <i>CREDIT ACCEPTANCE CAR PAYMENT</i>	\$ <u>284.74</u>	\$ _____
Credit card(s) <i>3 CREDIT CARDS AT \$0.00 EACH FOR MONTHLY PAYMENTS</i>	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses:</b>	<b>\$ _____</b>	<b>\$ _____</b>
<i>SEE ATTACHMENT</i>		

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.

*SEE ATTACHMENT*

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

Executed on: SEPTEMBER 9<sup>th</sup>, 2024

*Mark C. Brown*

(Signature)

(P. 1 )

Affidavit Of Financial Status/Continued  
(Income Source )

I am a substitute teacher for Shawnee Heights USD 450 in which I live by the telephone meaning that if I get a phone call from the central office informing me that a substitute teacher is needed at a particular school I will have a job on that particular day. If I do not get a phone call I will not have a job to do meaning that my monthly paychecks will vary each month..

All USD 450 employees get paid on the last working day of each month with the cut off date is always on the 15<sup>th</sup> of each month. We get paid on the last working day of each month.

The 2024-2025 school year for USD 450 started on 8/13/2024 (Tues.) and I got to substitute on 8/16/2024 (Fri.) which is one day after the cut off date meaning that I will not get a paycheck for the month of August 2024. My first paycheck will come on September 30<sup>th</sup> 2024 (Mon.)

My paychecks from USD 450 will vary due to the number of times that I get a call to substitute. The pay for a whole day is \$125.00 and the pay for a half day is \$65.00 I will not know my pay until Sept. 30<sup>th</sup> 2024 depending on the number of days that I get a call from now up to September 13<sup>th</sup> 2024 (Fri.) because September 15<sup>th</sup> is on a Sunday. There is no school on Saturday or Sunday.

Again, my monthly paychecks from Shawnee Heights USD 450 will vary due to the number of times that I get a phone call that a substitute is needed for that particular day for it may be a full day or a half day.

On the weekends Saturday and Sunday I work part time at the Dillons Grocery Store where the employees get paid once a week which is on every Thursday. My weekly net income for this is \$108.21 and my monthly net income for this is \$472.84 for 2024-2025

(See page 2 )

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Affidavit Of Financial Status/Continued

Average Monthly Amount During The Past 12 Months

Substitute Teacher for the 2023-2024 school year 1,021.07 per month average net

Social Security - \$1,285.00 This amount is on the second Wednesday of each month

KPERS - \$336.47 This amount is on the last Friday of each month

Dillons - \$472.84 per monthly average for 2024-2025

Total Monthly Income 3,115.38

Being that the 2024-2025 school year has just started and I have not received any substitute teacher paychecks yet I will have to use my substitute teacher paycheck information from the 2023-2024 school year for this section of the Affidavit Form. My first paycheck will come on September 30<sup>th</sup> 2024 (Mon.) Hopefully, this is permissible with your office that I do this

Total average monthly income 778.02 as of right now without my 2024-2025 substitute teacher paychecks information/income

(SEE PAGE 3)

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Affidavit Of Financial Status/Continued

List your employment history for the past two years, most recent first. (Gross Monthly Pay is before taxes or other deductions )

Shawnee Heights USD 450 4401 SE Shawnee Heights Road Tecumseh, KS 66542

AUG. 2021 to PRESENT dates of employment

Gross Monthly Pay 14, 585.49 for 2023-2024 substitute teacher

Gross Monthly Pay 13, 880.00 for 2022-2023 substitute teacher

Dillons Grocery Store 6829 SW 29<sup>TH</sup> Street Topeka, KS 66614

APRIL 2020 to PRESENT dates of employment

Gross Monthly Pay 1, 426.80 for 2023-2024

Gross Monthly Pay 1, 437.60 for 2024-2025

Being that the 2024-2025 school year has just started and I have not received any substitute teacher paycheck yet I will have to use the past two years of 2023-2024 and 2022-2023 of my substitute teacher information for this section of the Affidavit Form. Hopefully, this is permissible with your office that I do this.

(See page 4)

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Affidavit Of Financial Status/Continued

Amount Expected Next Month

My Social Security, KPERS and Dillons will remain the same. My substitute teaching will vary for I will not know if I will be needed to substitute on any day of the week unless I get a phone call from the central office.

Simply put, I live by the telephone meaning that if I get a phone call I will have a job to do, if I do not get a phone call I will not have a job to do.

(SEE PAGE 5)

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Affidavit Of Financial Status/Continued

Estimate The Average Monthly Expenses Of You And Your Family  
I have no spouse

My other expenses are of the following:

\$600.00 New Rent Payment starting on September 1<sup>st</sup> 2024

\$77.73 Cell Phone for August 2024 - This will vary each month

\$218.33 Cox per month - This will stay the same each month

\$124.64 Evergy for August 2024 - This will vary each month

\$38.00 Kansas Gas for August 2024 - This will vary each month

\$167.54 All State Car Insurance - This will stay the same each month

\$68.00 Internet for August 2024 - This will vary each month

\$284.74 Credit Acceptance for car payment - This will stay the same each month

Total 1,578.98

The Apartment Management takes care of the Water and Trash

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### Affidavit Of Financial Status/Continued

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

All teachers are placed on a 12 month yearly contract meaning that He/She will also get paid for the summer months of June, July and August when there is no school. A contract teacher is also given benefits where as a substitute teacher is not given any kind of contract and not given benefits. As I mentioned in my Petition For Writ Of Certiorari I have been a contract teacher for USD 501 for 16 years that allowed me to have a steady reliable income.

Without myself not being on a 12 month yearly contract and only to have my Social Security, KPERS and Dillons as my reliable sources of income is not enough to cover the costs of this case. I also want to point out the following information which is of importance:

- A.) On 4/18/2018 (Wed.) Mrs. Carla Nolan Former USD 501 Human Resource Director gave deposition testimony that if the school district could have demonstrated cause for non-renewal of Mr. Brown's contract it would have done so but we did not
- B.) On 4/18/2018 (Wed.) Mrs. Carla Nolan Former USD 501 Human Resource Director gave deposition testimony that the many years Mr. Brown worked for USD 501 he was continually granted contract renewal
- C.) On the date of 4/19/1995 is my last teacher evaluation with USD 501 and it is marked "Renew Contract"