

24-5805 ORIGINAL
No. _____

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

OCT 15 2024

OFFICE OF THE CLERK

Ernest Adimora-Nweke,
Petitioner,

vs.

Steven C. McGraw, Director of Texas Department of Public Safety; Texas Department of Public Safety; Lynn N. Hughes, U.S. District Judge, Official Capacity,
Respondents.

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): Petitioner was twice granted leave to proceed *in forma pauperis* in state court; prior to removal of both the original action and 1st appealed independent action in equity; & by the district court in this appealed action.

- Harris County District Court 133 – Cause # 202209293, transferred to Harris County Court 234 as such was the original action's (cause # 202056824) filing court, then removed to federal court via USDC#: 4:22-cv-00765 on 3/10/2022.
- Harris County District Court 133 – Cause # 202209293, transferred to Harris County Court 234 as such was the original action's (cause # 202056824) filing court, then removed to federal court via USDC#: 4:22-cv-00765 on 3/10/2022.
- USDC WDTX Austin – Cause # No. 1:23-CV-01048-RP, Doc. 9, Pg 2 of 8, Filed on 10/10/23.

- 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.

/s/ Ernest Adimora-Nweke

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

I, Ernest Adimora-Nweke, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my current financial deficiency state, I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

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

I, Ernest Adimora-Nweke, 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	\$ 0	\$ N/A	\$ TBD	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ TBD	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A
Interest and dividends	\$ 0	\$ N/A	\$ TBD	\$ N/A
Gifts	\$ 0	\$ N/A	\$ 0	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child Support	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Disability (such as social security, insurance payments)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Unemployment payments	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Public-assistance (such as welfare)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Other (specify):	\$ 0	\$ N/A	\$ TBD	\$ N/A
Total monthly income:	\$ 500	\$ N/A	\$ TBD	\$ N/A

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
Adimora Law Firm, PLLC	3050 Post Oak Blvd, Suite 500 Houston, TX 77056	Dec. 2013 - Present	\$ 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	\$ 0 \$ \$

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

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
Wells Fargo IOLTA Client Trust Account (Business Checking)	\$ N/A	\$ 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 N/A

Other real estate
Value N/A

Motor Vehicle #1
Year, make & model N/A
Value

Motor Vehicle #2
Year, make & model
Value

Other assets
Description See e.g., USDC # 4:22-CV-04352, S.D. Tx, Houst., Doc(s). 1-1, 5, & 9, Filed on 12/15/22, 12/19/22, & 12/27/22;
See also, e.g., USDC # 4:22-CV-03155, S.D. Tx, Houst., Doc(s). 41, 54, & 60-1 Filed on 11/7/22, 12/8/22, etc.
Value TBD

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
USDC # 4:22-CV-04352, S.D. Tx, Doc(s). 1-1, 5, & 9	\$ TBD	\$ N/A
USDC # 4:22-CV-03155, S.D. Tx, Doc(s). 41, 54, & 60-1	\$ TBD	\$ N/A
USDC WDTX Austin 1:23-CV-01048-RP Doc. 7	\$ TBD	\$ 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)	\$ ~1000	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ ~125	\$ N/A
Home maintenance (repairs and upkeep)	\$ _____	\$ N/A
Food	\$ ~500	\$ N/A
Clothing	\$ _____ See laundry & dry cleaning below.	\$ N/A
Laundry and dry-cleaning	\$ ~30-40	\$ N/A
Medical and dental expenses	\$ ~200	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ ~30 - 1500	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ N/A	\$ N/A
Life	\$ N/A	\$ N/A
Health	\$ N/A	\$ N/A
Motor Vehicle	\$ N/A (DIC-24 writ issue)	\$ N/A
Other: _____	\$ N/A	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ N/A	\$ N/A
Installment payments		
Motor Vehicle	\$ N/A	\$ N/A
Credit card(s)	\$ N/A	\$ N/A
Department store(s)	\$ N/A	\$ N/A
Other: _____	\$ N/A	\$ N/A
Alimony, maintenance, and support paid to others	\$ N/A	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ Varies	\$ N/A
Other (specify): _____	\$ TBD	\$ N/A
Total monthly expenses:	\$ Varies & TBD	\$ 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.

More/higher expenses. School loans, professional expenses (license renewal, CLE, etc.), litigation expenses for damages, class actions, and civil money penalties, operating expenses, inflation, living expenses, etc.

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 Writ of Cert, Section 1651 Writ, and response to question #6 above.

Per creditors & the Class Action's Proposed Plan & structure, once certified, Petitioner shall be better able to obtain litigation financing if necessary.

As soon as Petitioner receives any sufficient funds to cover or reimburse costs, Petitioner shall reimburse all Courts for litigation costs waived or incurred per Petitioner's IFP status.

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

Executed on: 11/1, 2024

Ernest Adimora-Nweke

(Signature)

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/1/2024.

/s/ Ernest Adimora-Nweke

(Signature)

PROOF & CERTIFICATE OF SERVICE

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been served upon counsel for all parties to this proceeding as identified below through the court's electronic filing system, or email as follows, and on or before 11/1/2024: Served On:

ATTORNEYS FOR RESPONDENTS MCGRAW & TxDPS

HON. KEN PAXTON Attorney General of Texas	SCOT M. GRAYDON (Lead Counsel) Assistant Attorney General scot.graydon@oag.texas.gov Office of the Attorney General PO Box 12548 Austin, TX 78711-2548
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ATTORNEYS FOR RESPONDENTS HUGHES (IN OFF'L CAPACITY) & U.S

DAVID GOODE (Lead Counsel) U.S. Attorney's Office Western District of Texas 903 San Jacinto Blvd., Suite 334 Austin, TX 78701	HON. ELIZABETH PRELOGAR U.S. Solicitor General Office of the Solicitor General 950 Pennsylvania Ave., NW Washington, DC 20530-0001
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david.goode@usdoj.gov

Proof of Service

28 U.S. Code § 1746 Unsworn Declaration

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/1/2024,

/s/ Ernest Adimora-Nweke

(Signature)