

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

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SUPREME COURT OF THE UNITED STATES

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JOSH POMPEY,

Petitioner,

vs.

ADMINISTRATOR NEW JERSEY STATE PRISON, ET AL.,

Respondents.

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Third Circuit

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**SUPPLEMENTED MOTION FOR LEAVE TO PROCEED *IN FORMA  
PAUPERIS***

Petitioner Josh Pompey, a prisoner confined in New Jersey State Prison, by and through his undersigned *pro bono* counsel, Eric V. Kleiner, Esq., hereby requests in this Supplemented Motion for leave to file the previously paper filed Petition for a Writ of Certiorari without payment of costs and to proceed *in forma pauperis* pursuant to Rule 39 of the Rules of the Supreme Court of the United States. I NOTE THAT THE ORIGINAL *IN FORMA PAUPERIS MOTION* WAS FILED WITH THE PETITION TIMELY ON 11/9/24 [MAILING DATE USPS EXPRESS] AND THE APPENDICES AND CERTIFICATE OF SERVICE BUT REQUIRED THE INMATE PETITIONER'S SIGNATURE ON THE AFFIDAVIT

PAGE, AND THE UNDERSIGNED WAS AT THE TIME AWAITING ADMISSION  
TO THE U.S., SUPREME COURT-WHICH IS NOW APPROVED

Petitioner's affidavit or declaration in support of this SUPPLEMENTED  
Motion To Proceed *In Forma Pauperis* is attached hereto and is supplemented with  
the inmate's signature that was delayed due to his incarceration in Trenton, NJ.

Petitioner has previously been granted leave to proceed *in forma pauperis* in  
the following court(s): New Jersey State Courts and New Jersey appellate courts  
except in any rare instance in last 27 years of multiple state and federal appeals  
where time did not allow to make the application to waive fees for filings. The law  
firm in those rare instances absorbed the filing fees.

The petitioner has been in New Jersey State prison since 1989 and has no  
financial support.

Respectfully submitted,

by: /s Eric V. Kleiner,  
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*Pro Bono Attorney for Petitioner,*  
*Josh Pompey*

Dated: December 4, 2024

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

I, Josh Pompey, 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<br/>the past 12 months</b> |                                 | <b>Amount expected<br/>next month</b> |                    |
|--|---|---------------------------------|---------------------------------------|--------------------|
|  | <b>You</b>  | <b>Spouse<br/>never married</b> | <b>You</b>                            | <b>Spouse</b>      |
| Employment   | \$ <u>0</u>   | \$ <u>n/a</u>                   | \$ <u>0</u>                           | \$ <u>n/a</u>      |
| Self-employment  | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Income from real property<br>(such as rental income)                       | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Interest and dividends   | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Gifts  | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Alimony  | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Child Support  | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Retirement (such as social<br>security, pensions,<br>annuities, insurance) | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Disability (such as social<br>security, insurance payments)                | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Unemployment payments  | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Public-assistance<br>(such as welfare)                                     | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| Other (specify): _____   | \$ <u>0</u>   | \$ <u>0</u>                     | \$ <u>0</u>                           | \$ <u>0</u>        |
| <b>Total monthly income:</b>   | <b>\$ <u>0</u></b>  | <b>\$ <u>0</u></b>              | <b>\$ <u>0</u></b>                    | <b>\$ <u>0</u></b> |

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

| <b>Employer</b>                             | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|---|----------------|----------------------------|--------------------------|
| Petitioner has been incarcerated since 1989 |                | none                       | \$ none                  |
|   |                |                            | \$                       |
|   |                |                            | \$                       |

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.)

| <b>Employer</b>                             | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|---|----------------|----------------------------|--------------------------|
| n/a Petitioner has never been married.      |                | none                       | \$ none                  |
| Petitioner has been incarcerated since 1989 |                |                            | \$                       |
|   |                |                            | \$                       |

4. How much cash do you and your spouse have? \$ 0.00, never married

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

| <b>Financial Institution</b> | <b>Type of account</b> | <b>Amount you have</b> | <b>Amount your spouse has</b>             |
|------------------------------|------------------------|------------------------|---|
| none                         | none                   | \$ 0.00                | \$ n/a Petitioner has never been married. |
|                              |                        | \$                     | \$  |
|                              |                        | \$                     | \$  |

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 none

Motor Vehicle #1  
Year, make & model none  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model none  
Value \_\_\_\_\_

Other assets  
Description none  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| <b>Person owing you or your spouse money</b> | <b>Amount owed to you</b> | <b>Amount owed to your spouse</b>         |
|--|---------------------------|---|
| n/a Petitioner has never been married.       | \$ 0.00                   | \$ n/a Petitioner has never been married. |
|  | \$ _____                  | \$ _____                                  |
|  | \$ _____                  | \$ _____                                  |

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

| <b>Name</b>                                     | <b>Relationship</b> | <b>Age</b> |
|---|---------------------|------------|
| none Petitioner<br>reamins in prison since 1989 | _____               | _____      |
|   | _____               | _____      |
|   | _____               | _____      |

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.

|  | <b>You</b> | <b>Your spouse</b> |
|--|------------|--------------------|
| Rent or home-mortgage payment<br>(include lot rented for mobile home)                    | \$ 0.00    | \$ n/a             |
| 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,<br>water, sewer, and telephone)                    | \$ 0.00    | \$ n/a             |
| Home maintenance (repairs and upkeep)  | \$ 0.00    | \$ n/a             |
| Food   | \$ 0.00    | \$ n/a             |
| Clothing   | \$ 0.00    | \$ n/a             |
| Laundry and dry-cleaning   | \$ 0.00    | \$ n/a             |
| Medical and dental expenses  | \$ 0.00    | \$ n/a             |

|   | <b>You</b> | <b>Your spouse</b> |
|---|------------|--------------------|
| Transportation (not including motor vehicle payments)                                       | \$ 0.00    | \$ n/a             |
| Recreation, entertainment, newspapers, magazines, etc.                                      | \$ 0.00    | \$ n/a             |
| <b>Insurance (not deducted from wages or included in mortgage payments)</b>                 |            |                    |
| Homeowner's or renter's   | \$ 0.00    | \$ n/a             |
| Life  | \$ 0.00    | \$ n/a             |
| Health  | \$ 0.00    | \$ n/a             |
| Motor Vehicle   | \$ 0.00    | \$ n/a             |
| Other: _____  | \$ 0.00    | \$ n/a             |
| <b>Taxes (not deducted from wages or included in mortgage payments)</b>                     |            |                    |
| (specify): _____  | \$ 0.00    | \$ _____           |
| <b>Installment payments</b>   |            |                    |
| Motor Vehicle   | \$ 0.00    | \$ _____           |
| Credit card(s)  | \$ 0.00    | \$ n/a             |
| Department store(s)   | \$ 0.00    | \$ n/a             |
| Other: _____  | \$ 0.00    | \$ n/a             |
| <b>Alimony, maintenance, and support paid to others</b>                                     |            |                    |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ 0.00    | \$ n/a             |
| Other (specify): _____  | \$ 0.00    | \$ n/a             |
| <b>Total monthly expenses:</b>  |            |                    |
|   | \$ 0.00    | \$ 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.

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 have been in prison since 1989 and remain in jail for life. My pro bono attorney has been with me through two trials and the habeas process since 1992 even though he is a solo practitioner. He is doing case for free since NJOPD stopped pool payments in 2014 and it is a hardship on this firm to fight for my innocence. I have no family left in New Jersey and I am penniless. Please approve my indigent status to alleviate at least some of the fees and costs that my pro bono counsel has endured.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 7th, 2024, 2024



(Signature)