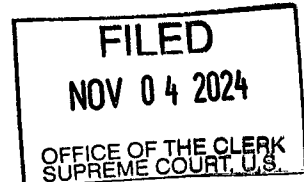


24-6179

ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Steven D'Agostino — PETITIONER
(Your Name)

VS.

Secretary of the U.S. Air Force 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):

U.S. Court of Federal Claims, Federal Circuit Court of Appeals,
N.J. Superior Court, Third Circuit Court of Appeals

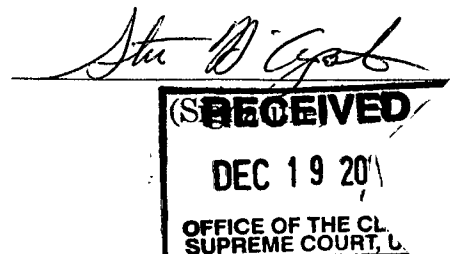
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ 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.



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

I, Steven D'Agostino, 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 (N/A)	You	Spouse (N/A)
Employment	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Self-employment	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Interest and dividends	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Gifts	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Alimony	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Child Support	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>200?</u>	\$ <u>Ø</u>	\$ <u>569</u>	\$ <u>Ø</u>
		retroactive payment for 3 months processing time		received first regular payment on Oct 1, 2024
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Unemployment payments	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Public-assistance (such as welfare)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Other (specify): _____	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Total monthly income:	\$ <u>200?</u>	\$ <u>Ø</u>	\$ <u>569</u>	\$ <u>Ø</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>None</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>None</u>			\$ _____
			\$ _____
			\$ _____

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>checking</u>	\$ <u>?</u>	\$ <u>N/A</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

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

<input checked="" type="checkbox"/> Home <u>?</u> Value _____	<input type="checkbox"/> Other real estate Value _____
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model <u>2001 Chevy Tracker</u> Value <u>?</u> _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> 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
<i>Too many to list (ongoing litigations)</i>	\$ <i>0</i>	\$ <i>N/A</i>
	\$	\$
	\$	\$

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
<i>None</i>		

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 <i>(N/A)</i>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <i>0</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, water, sewer, and telephone)	\$ <i>0 (receive grant energy utility assistance)</i>	\$
Home maintenance (repairs and upkeep)	\$ <i>0</i>	\$
Food	\$ <i>0 (receive SNAP)</i>	\$
Clothing	\$ <i>0</i>	\$
Laundry and dry-cleaning	\$ <i>0</i>	\$
Medical and dental expenses	\$ <i>0</i>	\$ <i>✓</i>

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

* My expenses are about breaking even with my \$569 monthly annuity from OPM retirement (FERS)

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.

☒ maybe
Depends if I can settle in one or more of my other pending litigation

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.

Because I keep getting cheated out of money, including the facts that underpin the case I'm seeking to have this court grant certification - I was cheated out of my job in 2013 when my immediate supervisor terminated my employment after I threatened to file a grievance against him!

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

Executed on: Nov 19, 2024

Stu D. Galt

(Signature)

In the United States Court of Federal Claims

No. 23-1042C

Filed: July 7, 2023

NOT FOR PUBLICATION

STEVEN D'AGOSTINO,

Plaintiff,

v.

UNITED STATES,

Defendant.

MEMORANDUM OPINION AND ORDER

HERTLING, Judge

The plaintiff, Steven D'Agostino, proceeding *pro se*, filed this action on July 3, 2023. The complaint was docketed on July 7, 2023. Concurrent with the complaint, the plaintiff filed an application for leave to proceed *in forma pauperis* (IFP). The plaintiff appears eligible to proceed *in forma pauperis*. Accordingly, the motion for leave to proceed *in forma pauperis* is **GRANTED**.

The complaint raises claims against two agencies of the federal government but also alleges claims against non-federal government entities. Those claims fall outside the jurisdiction of the Court of Federal Claims and must be dismissed pursuant to Rules 12(b)(1), 12(b)(6), and 12(h)(3) of the Rules of the Court of Federal Claims ("RCFC").

Before considering the merits of a plaintiff's claims, a court must first determine that it has jurisdiction to hear the case. Jurisdiction is a threshold matter that a court must resolve before it addresses the merits of a case. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). A federal court has a responsibility to ensure that it has jurisdiction over any claims asserted. *See, e.g., St. Bernard Parish Gov't v. United States*, 916 F.3d 987, 992-93 (Fed. Cir. 2019). A court may dismiss a complaint on its own initiative if "the pleadings sufficiently evince a basis for that action." *Anaheim Gardens v. United States*, 444 F.3d 1309, 1315 (Fed. Cir. 2006); *see also St. Bernard Parish Gov't*, 916 F.3d at 992-93 (citing *Foster v. Chatman*, 136 S. Ct. 1737, 1745 (2016)).

Even when a plaintiff is proceeding *pro se*, the complaint must satisfy basic pleading requirements. Because the plaintiff is proceeding *pro se* his pleadings are entitled to a more liberal construction than they would be given if prepared by a lawyer. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (*per curiam*). Giving a *pro se* litigant's pleadings a liberal construction does not divest the *pro se* plaintiff of the responsibility of demonstrating that the

NOTICE: This is a public document. Do not enter personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, vehicle plate number, active financial account, credit card number or military status. This document as submitted will be available to the public upon request.

Name Steven D'Agostino
 Address 25 Nautilus Dr.
Barnegat NJ 08005
 Telephone Number 609-622-8964
 Email Address _____

 Court of New Jersey
Ocean County (if applicable)
 Docket Number: TBD

Steven D'Agostino,

Plaintiff(s)/Appellant(s),

v.

Little Egg Dental, and Dr. John Thurber

Defendant(s)/Respondent(s).

Order Waiving Filing Fees

This matter having been brought before the court on application of Steven D'Agostino,
 (☒ plaintiff(s)/ ☐ appellant(s)/ ☐ defendant(s)/ ☐ respondent(s)) for an Order waiving filing fees
 pursuant to Rule 1:13-2 or Rule 2:7-1, and the Court having considered the moving party's financial
 information, the matter and for good cause appearing:

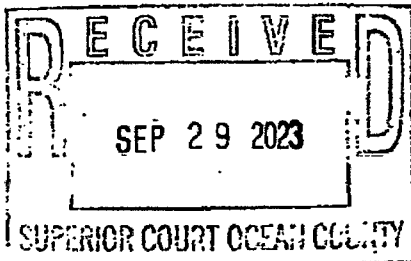
(Do not write below this line, For Court Use Only)

It is on this 29th day of September, 2023, ORDERED that the application for a fee waiver is

☒ **Granted** ☐ **Denied**

[Signature]

Craig L. Wellner, JSC



UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-1872

In re: Steven D'Agostino
(D.N.J. No. 3-21-cv-13729)

To: Clerk

1) Motion by Appellant for Leave to Proceed In Forma Pauperis

No action will be taken on the motion as it is unnecessary. It is noted that the District Court previously granted Appellant leave to proceed in forma pauperis.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: May 23, 2023

PDB/cc: Steven D'Agostino

Marc C. Capone, Esq.

General Docket
United States Court of Appeals for the Federal Circuit

Court of Appeals Docket #: 24-1319

Docketed: 01/04/2024

Nature of Suit: 528 Miscellaneous - Other

D'Agostino v US

Appeal From: United States Court of Federal Claims

Fee Status: In Forma Pauperis

Case Type Information:

1) Civil US

2) -

3) -

Originating Court Information:

District: -14-1 : 1:23-cv-01042-RAH

Trial Judge: Richard A. Hertling, Judge

Date Filed: 07/03/2023

Date NOA Filed:

12/29/2023

Date Rec'd COA:

12/29/2023