

24-6873

No. USCA3-23-3107

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
OCT 04 2024
OFFICE OF THE CLERK

Roland C. Anderson — PETITIONER
(Your Name)

VS.

General Motors LLC — 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):

Court of Common Pleas CJA NO# Roland Anderson vs. Wolfe's Elite Auto 01
CPVA 4-24-000781

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.

RECEIVED

MAR 13 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Roland C. Anderson
(Signature)
Roland C. Anderson

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

I, Robert C. Anderson, 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 | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| 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>1693.00</u> | \$ _____ | \$ <u>1693.00</u> | \$ _____ |
| Disability (such as social security, insurance payments) | \$ <u>1693.00</u> | \$ _____ | \$ <u>1693.00</u> | \$ _____ |
| Unemployment payments | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Public-assistance (such as welfare) | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Other (specify): _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total monthly income: | \$ <u>1693.00</u> | \$ _____ | \$ <u>1693.00</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>N/A</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>N/A</u> | | | \$ _____ |
| | | | \$ _____ |
| | | | \$ _____ |

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 |
|---|-----------------|------------------------|
| <u>CHECKING</u> | \$ <u>-8.00</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.

Home
 Value \$155,000.00

Other real estate
 Value N/A

Motor Vehicle #1
 Year, make & model F44 2004 TRUCK
 Value 1500

Motor Vehicle #2
 Year, make & model N/A
 Value _____

Other assets
 Description N/A
 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 |
|---------------------------------------|--------------------|----------------------------|
| <u>N/A</u> | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |

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 |
|------------|--------------|-------|
| <u>N/A</u> | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <u>4,320.00</u> | |
| Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <u>84.00 monthly</u> | |
| Utilities (electricity, heating fuel, water, sewer and telephone) | \$ <u>240.00</u> | \$ _____ |
| Home maintenance (repairs and upkeep) | \$ <u>600.00</u> | \$ _____ |
| Food | \$ <u>400.00</u> | \$ _____ |
| Clothing | \$ <u>100.00</u> | \$ _____ |
| Laundry and dry-cleaning | \$ <u>30.00</u> | \$ _____ |
| Medical and dental expenses | \$ <u>170.00</u> | \$ _____ |

| | You | Your spouse |
|---|-------------------------|--------------------|
| Transportation (not including motor vehicle payments) | \$ <u>125.00</u> | \$ _____ |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ _____ |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>0</u> | \$ _____ |
| Life | \$ <u>0</u> | \$ _____ |
| Health | \$ <u>170.00</u> | \$ _____ |
| Motor Vehicle | \$ <u>36.00 monthly</u> | \$ _____ |
| Other: _____ | \$ _____ | \$ _____ |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>N/A</u> | \$ _____ |
| Installment payments | | |
| Motor Vehicle | \$ <u>N/A</u> | \$ _____ |
| Credit card(s) | \$ <u>N/A</u> | \$ _____ |
| Department store(s) | \$ <u>N/A</u> | \$ _____ |
| Other: _____ | \$ <u>N/A</u> | \$ _____ |
| Alimony, maintenance, and support paid to others | \$ <u>N/A</u> | \$ _____ |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>N/A</u> | \$ _____ |
| Other (specify): _____ | \$ <u>N/A</u> | \$ _____ |
| Total monthly expenses: | \$ <u>DRAFT 00</u> | \$ _____ |

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? Unknown yet

If yes, state the attorney's name, address, and telephone number:
Mr. Elgaard -

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.
cost of living

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

Executed on: January 18, 2025

Roland C. Anderson

(Signature)

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TABLE OF AUTHORITIES CITED

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| Cases – In Superior Court when someone misses a deadline. McDaniel v. Cywtell Ex. Series dismissed due to failure to meet court deadline; | |
| District Court Case | |
| 22-100300 River Post Inc. v. Board of Governors FRS. The district court dismissed this case because it was time barred. | |

STATUTES AND RULES

Rule 41 – dismissed of Action Del. R. Civ. P. Supr. Ct. R41

(FREP) 41 Governs dismissed of motion in Federal Court

The Rule from JP Court 13 for a summons is 15 days for the defendant to answer to a complaint. Failure to answer will result in default. Order from JP 13 Court.

OTHER

APPENDIX F

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

Reported at the United States Court Appeal for the Third Circuit; or,

has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **states courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

Reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AND CONTROLLING LAW SEE RELATED CASES
IN FEDERAL CASES - (HILU DUSHUTTIE, C.A. NO. NICE-05-
FAILURE TO MEET THEIR DEADLINE (CASE WAS DISMISSED,
CIVIL ACTION NO. 18-1426-RGP MISSSED DEADLINE.
ARTICLE III OF THE CONSTITUTION ESTABLISHES THE
FEDERAL JUDICIARY, ORDER / RULES. CONGRESS TO
DECIDE WHAT OTHER FEDERAL COURTS MUST DO. OF THE FED-
ERAL COURT SYSTEMS, REGULATE, under ARTICLE II - CONSTITU-
TIONAL / LAWS AND RULES.

STATEMENT OF THE CASE

(Count 1) I filed a complaint against GM on March 6, 2019 (Ex. 2) and there was an order from JP13 - case No: JP13-18-003067 and a summons was issued on (3-27-18) court order - states notice issued summons was served on the defendant - of 3-27-18. Defendant did not respond as ordered by the court (JP13) as required and summons stated failure to file an answer may result in a default judgment being entered against you and Rule 55 states failure to answer or enter your appearance. Also be a default as required as well. See copy attached (docket sb/copy) still pending court, common pleas). This clearly error for this court (JP) - to allow GM to file answer after 15 days as order and required. GM did not answer not until 4-25-18. GM was untimely. Under Rule 60 - provides that court may relieve party from final judgment. See Del. Superior Court R60 (b)(c) for reason unjustified relief from the operation of the judgment. See case law, Pitts v. White, 48 Del. 311, 103 A2d 245 (1954). I am seeking under law for justifying relief from of judgment under JP order of summons. GM was untimely to file their answer. See docket sheet attached:

(Count 2) The need to correct a clear error of law or fact to prevent manifest injustice, Pelli A3 (citing Max's Seafood Café vs. Quinteros, 176 F3 669, 677 (3rd Cir. 1999)). (iii) There is a need to correct a clear error of law or fact to prevent manifest injustice. See Arrowhead Inc. dem. CO. vs Hartford Fire Is. Co, 802 F. Supp 2d 536, 536, 538 (11P. /del. 2011)

REASONS FOR GRANTING THE PETITION

Because the defendant missed their deadline.

From JP Court 13. Defendant was ordered to answer to complaint 15 days, but failed to answer, as order:

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roland C. Anderson

Date: JAN 25, 75