

24-7283  
No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

MAY - 9 2025

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

James RUBIO — PETITIONER  
(Your Name)

VS.

Marsha MCLANE — 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):

Texas 435th District Court; Texas 9th Court Appeals; Texas Supreme Court;  
U.S. Southern District Court; U.S. 5th Circuit Court of Appeals

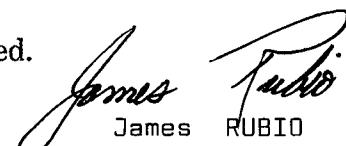
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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.

  
James RUBIO

(Signature)

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

I, James RUBIO, 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	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Self-employment	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Income from real property (such as rental income)	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Interest and dividends	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Gifts	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Alimony	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Child Support	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Disability (such as social security, insurance payments)	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Unemployment payments	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Public-assistance (such as welfare)	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
Other (specify): _____	\$ 0.00	\$ UNK	\$ 0.00	\$ UNK
<b>Total monthly income:</b>	<b>\$ 0.00</b>	<b>\$ UNK</b>	<b>\$ 0.00</b>	<b>\$ UNK</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>
INCARCERATED SINCE 1992			\$ _____
			\$ _____
			\$ _____

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>
unknown			\$ _____
			\$ _____
			\$ _____

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>
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 \_\_\_\_\_

Other real estate  
 Value \_\_\_\_\_

Motor Vehicle #1  
 Year, make & model \_\_\_\_\_  
 Value \_\_\_\_\_

Motor Vehicle #2  
 Year, make & model \_\_\_\_\_  
 Value \_\_\_\_\_

Other assets  
 Description \_\_\_\_\_  
 Value 0.00 Incarcerated since 1992.

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	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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").

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
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.

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

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

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 attempted to obtain DNA testing, I have been to the 5th Circuit twice, and today I am still fighting my conviction/civil commitment. I have been incarcerated since 1992.

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

Executed on: the 9th day of May, 2025

  
James RUBIO  
(Signature)