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No. 1.....

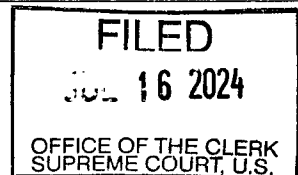
ORIGINAL

(23-7705 and 23-1347 2nd Circuit)

In the Supreme Court of the United States

PHILIP EMIABATA, SYLVIA EMIABATA

Petitioners,



THE BANK OF NEW YORK MELLON TRUST COMPANY ET AL.

Respondents.

PETITIONER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.

COMES NOW, Petitioners Philip Emiabata and Sylvia Emiabata pursuant to Fed. R. Civ .P . Section 1915. File the foregoing motion to proceed in the appeal without payment. Emiabatas moves to proceed in forma pauperis, in Supreme Court of United States as Petitioners status in United States District Court for the District of Connecticut and United States Court of Appeals for The Second Circuit on the above case, permitted Petitioners Emiabatas to proceed in forma pauperis, hence Petitioner condition still remain the same.

Pursuant to Federal Rule of Appellate Procedure 24(a)(3), Emiabatas may proceed in forma pauperis on appeal without payment. Petitioners status in the District Court and the United States Court of Appeals for the Second Circuit was in Forma Pauperis.

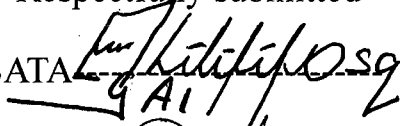
Petitioners hereby in-corporate with reference attached Petitioner Affidavit
Accompanying Petitioners motion for Permission to Appeal in Forma Pauperis.

WHEREFORE: Petitioners respectfully ask this Court to grant this motion
without further authorization for payment. So that Petitioner proceeds in forma
pauperis.

Dated: July 16, 2024

Respectfully submitted

(pro se litigants) PHILIP EMIABATA

A handwritten signature in black ink, appearing to read "Philip EMIABATA", written over a horizontal line.

SYLVIA EMIABATA

A handwritten signature in black ink, appearing to read "Sylvia EMIABATA", written over a horizontal line.

No. 23-7705

IN THE
SUPREME COURT OF THE UNITED STATES

PHILIP EMIABATA & SYLVIA EMIABATA — PETITIONERS
(Your Name)

VS.

THE BANK OF NEW YORK MELLON TRUST Co., ET AL 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:

X Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

US DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT & UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT.

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

X 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: _____

None

, or

a copy of the Order of appointment is appended

Sylvia Emiabata and Philip Emiabata
Signature (Signature)

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

I, PHILIP ENIABATA, PLA 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	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (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 security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>943</u>	\$ <u>0</u>	\$ <u>943</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>220</u>	\$ <u>0</u>	\$ <u>220</u>	\$ <u>0</u>
Total monthly income:	\$ <u>1163</u>	\$ _____	\$ <u>1163</u>	\$ <u>0</u>

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

I, SYLVIA ENIABATA, 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	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (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 security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>943</u>	\$ <u>0</u>	\$ <u>943</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>220</u>	\$ <u>0</u>	\$ <u>220</u>	\$ <u>0</u>
Total monthly income:	\$ <u>1,163</u>	\$ _____	\$ <u>1,163</u>	\$ <u>0</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>	<u>None</u>	<u>None</u>	\$ <u>0</u>
			\$ <u>0</u>
			\$ <u>0</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>Schooling</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</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>Bank of America</u>	\$ <u>Closed</u>	\$ <u>0</u>
<u>(Closed)</u>	\$	\$ <u>0</u>
	\$	\$ <u>0</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 \$60,000.00

in Litigation

☒ Motor Vehicle #1
Year, make & model Hyundai 2016

Value 5,000 (over 200,000 miles)
on it

☒ Other real estate

Value 170,000.00

also in Litigation

☒ Motor Vehicle #2

Year, make & model LEXUS IS-300

Value 0 Inoperable

☐ Other assets

Description None

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
Only Insurance	\$ 240,000	\$ Same (Joint)
Which is still	\$ 0	\$ 0
In Litigation	\$ 0	\$ 0

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
None	None	None

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)	\$ 1,600	\$ 400
Are real estate taxes included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is property insurance included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 200	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 280	\$ 0
Clothing	\$ 60	\$ 0
Laundry and dry-cleaning	\$ 100	\$ Jointly
Medical and dental expenses	\$ 90	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>100</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>100</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>40</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>2570</u>	\$ <u>440</u>

We are behind in all our
Bills Payments

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.

As a USPS Contractor for past 24 years, because of the accident and Covid we loose our contract But now I am well, Now Bidding for new contract. the Insurance payment is still in 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? No

If yes, state the attorney's name, address, and telephone number:

None

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? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Sylvia Enriabata is now reading for her post graduate in Medical field. On a Student Loan. She will graduating at this time we are only depend on my SSI (\$943) 2026.

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

Executed on: 10th December, 2024

Sylvia Enriabata my True Signature
Signature 9/41 (Signature)