

NO 4-7364

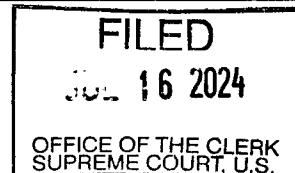
ORIGINAL

(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.

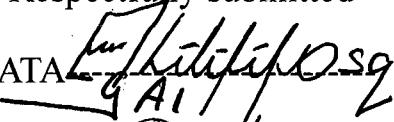
Petitioners hereby in-corporate with reference attached Petitioner Affidavit Accompanying Petitioners motion for Permission to Appeal in Forma Pauperis.

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

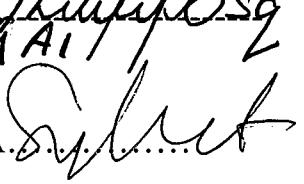
Dated: July 16, 2024

Respectfully submitted

(pro se litigants)PHILIP EMIABATA



SYLVIA EMIABATA



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:

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.

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, P. L. L. I. EMIABATA, et al. 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>6</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>6</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 Emabata, 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>
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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>

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
None	None	None	\$ 0
			\$ 0
			\$ 0

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
Schooling	N/A	N/A	\$ 0
			\$ 0
			\$ 0

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
Bank of America (closed)	\$ Closed	\$ 0
	\$ 0	\$ 0

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 Value <u>\$60,000.00</u> <i>in Litigation</i>	<input checked="" type="checkbox"/> Other real estate Value <u>170,000.00</u> <i>also in Litigation</i>
<input checked="" type="checkbox"/> Motor Vehicle #1 Year, make & model <u>Hyundai 2016</u> Value <u>5,000</u> <i>(over 200,000 miles on it)</i>	<input checked="" type="checkbox"/> Motor Vehicle #2 Year, make & model <u>LEXUS IS-300</u> Value <u>0</u> <i>Inoperable</i>
<input type="checkbox"/> Other assets Description <u>None</u> 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>Only Insurance</u>	\$ 240,000	\$ <u>Same (Joint)</u>
<u>which is still</u>	\$ 0	\$ 0
<u>In Litigation</u>	\$ 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
<u>None</u>	<u>None</u>	<u>None</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>1600</u>	\$ <u>400</u>
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)	\$ <u>200</u>	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ <u>280</u>	\$ 0
Clothing	\$ <u>60</u>	\$ 0
Laundry and dry-cleaning	\$ <u>100</u>	\$ <u>Jointly</u>
Medical and dental expenses	\$ <u>90</u>	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 100	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 100	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 40	\$ 0
Other: _____	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0
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 part 24 years, because

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/g

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 (9943) 2026.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10th December, 2024

Sylvia Lirabala my husband 9 Al 1978 Dec
Signature Al (Signature)