

No: _____

**In The
Supreme Court of the United States**

IN RE ERIC DRAKE

Petitioner

**On Petition for Writ of Mandamus to the United States
Court of Appeals for the Fifth Circuit**

MOTION TO PROCEED *IN FORMA PAUPERIS*

Respectfully submitted by,

Eric Drake
Pro-Se
10455 North Central Expressway
Suite 109
Dallas, Texas 75231
214-477-9288

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JAN 9 - 2018

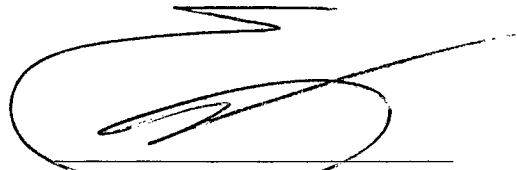
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Applicant, Eric Drake, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Writ of Mandamus to the Fifth Circuit Court of Appeals Dallas without prepayment of costs and to proceed *in forma pauperis*.

Applicant was allowed to proceed *in forma pauperis* in the District Court proceeding in 2016 *Drake v. Nordstrom et al*, 4:16-cv-3526.

For these reasons, Applicant respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Eric Drake', written over a horizontal line.

Eric Drake
10455 N. Central Expressway
Suite 109
Dallas, Texas 75231
Tel: (214) 477-9288
Applicant, Pro Se

January 5th, 2018

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

I, Eric Drake, 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.
* *I am not married.*

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>1,040</u>	\$ <u>-0-</u>	\$ <u>1,040</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>N/A</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Total monthly income:	\$ <u>1,040</u>	\$ <u>-0-</u>	\$ <u>1,040</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	N/A	N/A	\$ N/A
Disabled	Disabled	Disabled	\$ N/A
			\$ N/A

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
(NOT MARRIED)	N/A	N/A	\$ N/A
N/A			\$ N/A
			\$ N/A

4. How much cash do you and your spouse have? \$ 78.00 (with money in pocket & bank)
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
Checking	\$ 42.45	\$ 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 DO NOT OWN A HOME

☐ Other real estate
Value NO REAL ESTATE

☐ Motor Vehicle #1 2003/C-CLASS
Year, make & model MEA, BENZ
Value \$ 3,000.00 (Vehicle needs mechanical work of over \$2,000.00. DO NOT DRIVE).
(Loan payment \$200.00 month)

☐ Motor Vehicle #2
Year, make & model
Value

☐ Other assets
Description NONE
Value

- | Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|---------------------------------------|--------------------|----------------------------|
| No person owes me money | \$ — 0 — | \$ N/A (NOT MARRIED) |
| | \$ — 0 — | \$ N/A |
| | \$ — 0 — | \$ N/A |

- | Name | Relationship | Age |
|---------------------------------------|--------------|-----|
| There is no person
that rely on me | N/A | N/A |
| (NOT MARRIED) | N/A | N/A |

- | | You | Your spouse |
|--|-----------------------------|--------------------------------|
| Rent or home-mortgage payment
(include lot rented for mobile home) | \$ <u>350.00</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Are real estate taxes included? ☐ Yes ☐ No | N/A for ME | |
| Is property insurance included? ☐ Yes ☐ No | N/A for ME | |
| Utilities (electricity, heating fuel,
water, sewer, and telephone) | \$ <u>150.00</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Home maintenance (repairs and upkeep) | \$ <u>-0-</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Food | \$ <u>275.00</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Clothing | \$ <u>20.00</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Laundry and dry-cleaning (NO DRY CLEANING
TOO EXPENSIVE) | \$ <u>10.00</u> | \$ <u>N/A</u>
(NOT MARRIED) |
| Medical and dental expenses | \$ <u>-0-</u>
(MEDICARE) | \$ <u>N/A</u>
(NOT MARRIED) |

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Life	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Health	\$ <u>-0-</u> (MEDICAL)	\$ <u>N/A</u> (NOT MARRIED)
Motor Vehicle	\$ <u>120.00</u>	\$ <u>N/A</u> (NOT MARRIED)
Other: _____	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u> (NOT MARRIED)
Installment payments		
Motor Vehicle	\$ <u>200.00</u>	\$ <u>N/A</u> (NOT MARRIED)
Credit card(s)	\$ <u>10.00</u>	\$ <u>N/A</u> (NOT MARRIED)
Department store(s)	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Other: _____	(DO NOT HAVE DEBIT STORE CREDIT CARD) \$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Other (specify): _____	\$ <u>-0-</u>	\$ <u>N/A</u> (NOT MARRIED)
Total monthly expenses:	\$ <u>1,135.00</u>	\$ <u>N/A</u> (NOT MARRIED)

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. *N/A*

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? *N/A*

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? *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.

There is no other info that I can provide

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

Executed on: *January 4*, 20*18*



(Signature)