

Docket No. _____

In the Supreme Court of the United States

MICK DORSEY

Petitioner

v.

DEPARTMENT OF EDUCATION, et al

Respondents

On Petition for Writ of Certiorari

to the

United States Court of Appeals for the Fifth Circuit

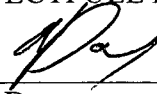
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks this honorable court for leave to file his Petition for Writ of Certiorari *in forma pauperis*.

The Petitioner has not previously asked for leave to proceed *in forma pauperis* in any other court.

The Petitioner's affidavit or declaration in support of this motion to proceed *in forma pauperis* is attached hereto.

RESPECTFULLY SUBMITTED,



Mick Dorsey
(Petitioner)

10900 Kinneil Rd.
New Orleans, LA. 70127
Ph: (504) 338-9568

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

Introductory Statement

I, Mick Dorsey, am the Petitioner in the above-captioned case. In support of my motion to proceed *in forma pauperis*, I attach this declaration herein under oath and affirm that I am not married and currently live in a household of two. My only source of income is social security disability and my net amount received each month does not allow me to retain an Attorney, or pay the cost to prepare 40+ specially formatted 6½ x 9¼ booklets typically filed by a law firm and can only be processed by a few printing companies across the country thereby having the ability to charge higher than normal printing fees. Because such costs would easily exceed my monthly net amount received...regardless of what my net income is spent on, meets the burden to qualify filing *in forma pauperis*; in which, *a liberal construction should be applied...to make sure that a litigant who is entitled to such a privilege is not deprived of it. Benjamin v. National Super Markets, Inc.*, 347 So.2d 253; 351 So.2d 138 (La. 1977)

Mick Dorsey
(Petitioner)

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

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	N/A	\$0	N/A
Self-employment	\$0	N/A	\$0	N/A
Income from real property (such as rental income)	\$0	N/A	\$0	N/A
Interest and dividends	\$0	N/A	\$0	N/A
Gifts	\$0	N/A	\$0	N/A
Alimony	\$0	N/A	\$0	N/A
Child Support	\$0	N/A	\$0	N/A
Retirement (such as social security, pensions, annuities, insurance)	\$0	N/A	\$0	N/A
Disability (such as social security, insurance payments)	\$1,461	N/A	\$1,461	N/A
Unemployment payments	\$0	N/A	\$0	N/A
Public-assistance (such as welfare)	\$0	N/A	\$0	N/A
Other (specify):	\$0	N/A	\$0	N/A
Total monthly income after SSDI deductions:	\$1,327	N/A	\$1,327	N/A

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Response: N/A (The Petitioner has not been employed since 2008.)

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.)

Response: N/A (The Petitioner has not been married in the past two years.)

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.
Response: The Petitioner currently has \$3.67 in his checking account within the financial institution of USAA.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Response: The Petitioner owns no homes or vehicles. Other assets besides ordinary household furnishings may be considered as exercise equipment, two handguns, and a personal computer...all worth less than two thousand dollars.

6. State every person, business, or organization owing you or your spouse money, and amount owed.

Response: At the moment, the Petitioner can't recall anyone owing him money, but if anything is owed, the amount would most likely be less than two thousand dollars.

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").

Response: The Petitioner's Mother, Irma Dorsey, relies upon him from time to time.

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.

Response: The amount of money being paid by the Petitioner varies each month depending on what arises at the time. Whatever amount is considered extra, is still not enough funds to pay for a private Attorney, or the creation of 40+ specially formatted booklets typically filed by licensed Attorneys.

	You	Spouse
Rent or Mortgage Payments	\$0	N/A
Property Taxes	\$786	N/A
Utilities	\$0-150	N/A
Home Maintenance	\$0-200	N/A
Food	\$250-350	N/A
Clothing	\$0-115	N/A
Laundry and Dry Cleaning	\$0-25	N/A
Medical and Dental	\$0-195	N/A

Car Payments	\$0	N/A
Car Insurance	\$0-145	N/A
Miscellaneous	\$0-300	N/A
Medicare Health Insurance	\$134	N/A
Overdraft Protection Minimum Due	\$360	N/A
Credit Card Minimum Due	\$420	N/A
Storage Fees	\$255	N/A

Approximate Total Monthly Expenses **\$620-1,327** **N/A**

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Response: The Petitioner is not certain on what the future may bring.

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?

Response: No, due to the fact that such fees for services exceed my total monthly net income.

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?

Response: No, due to the fact that such fees for services exceed my total monthly net income.

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

Response: In *Benjamin v. National Super Markets, Inc.*, 347 So.2d 253; 351 So.2d 138 (La. 1977), the Supreme Court of Louisiana¹ cites CCP Article 5181(A); which states, “*An individual who is unable to pay the costs of court, because of his poverty and lack of means, may prosecute or defend a judicial proceeding in any trial or appellate court without paying the costs in advance, or as they accrue, or furnishing security therefor.*” No matter if Dorsey has \$50, \$250, or \$550+ dollars left over, it is apparent that costs from services rendered by a specialized printing company or legal professional² in behalf of Dorsey

¹ A state where Dorsey currently resides.

² Recent calls to several specialized print shops in the D.C. area and across the country averages to cost about \$1,500.00 USD. Also, Attorneys willing to write a Writ and enroll would not do a retainer less than \$10,000.00 USD.

would far surpass Dorsey's monthly net income and further cause an undue burden of hardship.

The Supreme Court of Louisiana further states in *Benjamin*, allowing a litigant to proceed *in forma pauperis* "is regarded as a privilege granted him in the interest of individual justice to him, and in the interest of a judicial system designed to provide justice for all." "...in order to prevent his losing his day in court merely because of the financial expense to the government of entertaining his claim."

In addition to the aforementioned, Dorsey notified the trial court on June 10th 2015 that he would be proceeding as Pro se and that he could not afford an Attorney to represent him. The trial court nor Respondents timely challenged the notice and through its non-action permitted Dorsey to proceed unrepresented as *Pro se* based on the inability to hire Counsel; which ultimately saved Dorsey tens of thousands of dollars over a three year span since the onset of the lead case. See LAEB Case Docket No. 138. Also, on December 23, 2015 within LAED Case No. 15-05988, Docket No. 3, Dorsey stated in his Motion for Leave to Amend Designation of Record and Statement of Issues Due to Receiving a Final Judgment (Doc. #306 and Doc. #307) that "Granting this motion would save time, court resources, and avoid the processing of another separate appeal.³ It would also prevent Dorsey from having to submit an additional filing fee." **That motion was GRANTED** by Judge Barbier of the United States District Court for the Eastern District of Louisiana on January 4, 2016. **Both Trial and District Court Judges recognized the burden presented to Dorsey and the Respondents did not timely object...if at all.**

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed on February 12th, 2018 in reference to Dorsey's December 29th 2017 Petition for Writ of Certiorari.

RESPECTFULLY SUBMITTED,



Mick Dorsey
(Petitioner)
10900 Kinneil Rd.
New Orleans, LA. 70127
Ph: (504) 338-9568

³ Indicating that readily available funds to pay additional costs are not present.

CERTIFICATE OF SERVICE

I do hereby certify that a copy of this AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* has been has been mailed via USPS to all pertinent parties of this suit on this 12th day of February, 2018.

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Solicitor General
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RESPECTFULLY SUBMITTED,



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