

GIUSEPPE VIOLA, 050936
ASPC YUMA-CIBOLA, 6 A 47
P. O. BOX 8909
SAN LUIS, AZ 85349
PETITIONER PRO SE

IN THE
SUPREME COURT OF THE UNITED STATES

GIUSEPPE VIOLA, AKA
JOSEPH J. VIOLA,
ALLEGED DEBTOR - PETITIONER,
v.
MORTON D. KIRSCH, et al.,
CREDITORS - RESPONDENTS,
v.
UNITED STATES TRUSTEE,
TRUSTEE - RESPONDENT -

Nº

ON PETITION FOR WRIT
OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nº 16-16556 / Nº 16-15253 / Nº 17-15726
RESPECTIVELY

GIUSEPPE VIOLA,
v.
CARLA HACKER-AGNEW, WARDEN,
ARIZONA STATE PRISON COMPLEX - YUMA,
AND
MARK BRNOVICH, ATTORNEY GENERAL
OF THE STATE OF ARIZONA,
RESPONDENTS.

MOTION TO PROCEED IN FORMA PAUPERIS

JOSEPH J. VIOLA,
v.
UNITED STATES OF AMERICA,
RESPONDENT.

THE PETITIONER IN THE ABOVE ENCAPTIONED PETITION FOR WRIT OF CERTIORARI HEREBY MOVES THE COURT FOR LEAVE TO PROCEED IN FORMA PAUPERIS, PURSUANT TO SUPREME COURT RULE 39 AND RULE 12.2, AS AN INMATE CONFINED AT THE INSTITUTION SHOWN ABOVE.

THE PETITIONER HAS FORMERLY SOUGHT AND BEEN GRANTED IFP STATUS IN NUMEROUS FEDERAL DISTRICT AND NINTH CIRCUIT PROCEEDINGS, AS WELL AS ON CERTIORARI BEFORE THIS COURT ON DIRECT APPEAL IN Nº 13-6802 AND Nº 14-7262. AN AFFIDAVIT IN SUPPORT HEREOF IS INCLUDED.

THE PETITIONER ADDITIONALLY HERE INCORPORATES BY REFERENCE AND ATTACHMENT A COPY OF A RECENT APPLICATION TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION, FOR THE CASE BELOW IN WHICH IFP STATUS WAS GRANTED 27 JULY 2016, AND DOES SO TO SEEK THE GRANT PROVIDED UNDER SUPREME COURT RULE 39.4 ALLOWING THE DOCKETING OF THE PETITION, AND FOR ITS TWO ACCOMPANYING MOTIONS, WITHOUT FEE.

WHEREFORE, THE PETITIONER PRAYS THAT THE COURT GRANT THIS MOTION, FOR LEAVE TO PROCEED IN FORMA PAUPERIS, AND TO FILE THE PETITION, THIS MOTION, AND THAT TO FILE BEYOND TIME CONSTRAINT.

I DECLARE PURSUANT TO 28 USC §1746 THAT THE FOREGOING IS TRUE AND CORRECT, AND IS SUPPORTED BY A TRUE AND CORRECT COPY OF THE ATTENDED PRIOR APPLICATION, WHICH IS SUBSTANTIALLY UNCHANGED.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY, 2018,
AND EXECUTED AT SAN LUIS, ARIZONA.

/s/ GIUSEPPE VIOLA
PETITIONER PRO SE

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

I, GIUSEPPE VIOLA, 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>37.20</u>	\$ <u>N/A</u>	\$ <u>37.20</u>	\$ <u>N/A</u>
Self-employment	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Income from real property (such as rental income)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Interest and dividends	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Gifts	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Alimony	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Child Support	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Unemployment payments	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Other (specify): <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Total monthly income:	\$ <u>37.20</u>	\$ <u>N/A</u>	\$ <u>37.20</u>	\$ <u>N/A</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
ASPC YUMA-CIBOLA	P. O. Box 8909 SAN LUIS, AZ 85349	IN CUSTODY SINCE 3/10/10	\$ 37.20
			\$
			\$

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
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
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 N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A
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
N/A	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ N/A
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$
Home maintenance (repairs and upkeep)	\$ 0	\$
Food	\$ 0	\$
Clothing	\$ 0	\$
Laundry and dry-cleaning	\$ 0	\$
Medical and dental expenses	\$ 0	\$

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

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 BEEN IMPRISONED FOR NEARLY EIGHT YEARS, AND HAVE SUFFERED AN INVOLUNTARY BANKRUPTCY

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

Executed on: 28 FEBRUARY, 2018

/S/ GIUSEPPE VIOLA

(Signature)