

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PHILIP WADE. MCCLURE,

Petitioner

v.

OREGON BOARD OF PAROLE AND
POST-PRISON SUPERVISION,

Respondent

MOTION FOR LEAVE TO PROCEED IN *FORMA PAUPERIS*

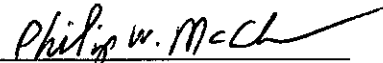
The petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in *forma pauperis*.

Petitioner has previously been granted leave to proceed in *forma pauperis* status in Oregon Court of Appeals (Salem, Oregon), and the Oregon Supreme Court (Salem, Oregon).

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATED: June 18, 2018.

Respectfully submitted,



PHILIP W. MCCLURE
Petitioner, Pro Se

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

I, Philip W. McClure, 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 give security therefor; and I believe I am entitled to redress.

1. Income sources for the past 12 months (myself only; I have no spouse):

Income Source	Average monthly amount during the past 12 months	Amount expected next month
Employment	None	None
Self-employment	None	None
Income from real property	None	None
Interest and dividends	<u>\$0.25</u>	N/A
Gifts	None	None
Alimony	None	None
Child support	None	None
Retirement	None	None
Disability	None	None
Unemployment payments	None	None
Public-assistance	None	None
VA Disability	\$67.34	\$68.12
Total monthly income	\$67.69	\$68.12

2. Employment history for the past two years: I have been unemployed since a myocardial infarction in March 2009. Before March 2009, I held a job in the penitentiary kitchen.

3. Spouse's employment history for past two years. N/A --I have no spouse.
4. How much cash do you and spouse have? VA currently pays compensation of **\$68.12** per month (Since December 2017). ODOC pays interest on that every month. From that amount ODOC deducts funds for outstanding debts.
5. List the assets, and their values, which you or your spouse owns. No home or real estate, no motor vehicles, no other assets.
6. State every person, business, or organization owing you or spouse money, and the amount owed.
VA currently pays compensation of \$68.12 per month. ODOC pays interest on that every month.
7. State the persons who rely upon you or spouse for support. VA
8. Estimate the average monthly expenses of you and your family.

Rent or home-mortgage payment	None
Real Estate taxes?	None
Property Insurance?	None
Utilities	None
Home maintenance	None
Food	None
Clothing	None
Laundry and dry-cleaning	None
Transportation	None
Recreation	None
Insurance (of any type)	None
Taxes	None
Installment payments (of any type)	None
Alimony, maintenance, and support paid to others	None
Regular expenses for operation of business, profession, or farm	None
Deduction of VA Funds to ODOC for reimbursement Of Debts	\$ <u>50.18</u> (Average)
Personal hygiene, canteen, postage (required purchase because of ODOC rules regarding debts¹)	\$ <u>17.16</u> (Average)
Total monthly expenses	\$ <u>67.34</u>

¹ See **OAR 291-158-0065**. While this rule should permit petitioner \$30.00 per month to spend, the ODOC acts contrary to the rule and has only allowed petitioner an average of \$10.00 per month to spend. Of those funds, petitioner is required to spend the money within ODOC. Any left over funds petitioner has not spent is automatically deducted at the end of the month towards his debt.

9. Amounts owed to ODOC (as of June 2018):

Medical and dental expenses (exception – optometry expenses)	approx. \$ <u>276.25</u>
Optometry expenses (exam and glasses)	approx. \$ <u>179.00</u>
Other (Legal/Copying/Postage)	approx. \$ <u>681.97</u>
ODOC deductions for Parole Board	approx. \$ <u>388.84</u>
ODOC deductions for courts	approx. \$ <u>1686.22</u>
Total Money owed to ODOC/OSP	approx. \$ <u>3212.28</u>

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? No changes anticipated.

11. 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? No.

12. Have you paid – or will you be paying – anyone other than an attorney any money for services in connection with this case, including the completion of this form? No.

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

As mentioned above, I suffered a myocardial infarction in March 2009 and have been unable to work since then (I am assigned light duty, but no job has been offered to me by the prison). I currently receive VA disability of \$68.12 per month and average interest of \$0.25 per month from ODOC. I have no other financial support. My debt to State of Oregon is currently standing at minus \$3212.28.

I declare under penalty of perjury that the foregoing is true and correct. 28 USC § 1746.

Executed on June 18, 2018.

Philip W. McClure
PHILIP W. MCCLURE

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