

No. _____

SUPREME COURT OF THE UNITED STATES

JOSH POMPEY,

Petitioner,

vs.

ADMINISTRATOR NEW JERSEY STATE PRISON, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Third Circuit

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Josh Pompey, a prisoner confined in New Jersey State Prison, by and through his undersigned *pro bono* counsel, Eric V. Kleiner, Esq., hereby requests leave to file the accompanying Petition for a Writ of Certiorari without payment of costs and to proceed *in forma pauperis* pursuant to Rule 39 of the Rules of the Supreme Court of the United States.

Petitioner's affidavit or declaration in support of this Motion To Proceed *In Forma Pauperis* is attached hereto.

Petitioner has previously been granted leave to proceed *in forma pauperis* in

the following court(s): New Jersey State Courts and New Jersey appellate courts except in any rare instance in last 27 years of multiple state and federal appeals where time did not allow to make the application to waive fees for filings. The law firm in those rare instances absorbed the filing fees.

The petitioner has been in New Jersey State prison since 1989 and has no financial support.

Respectfully submitted,

by: /s Eric V. Kleiner,
ERIC V. KLEINER, ESQ.
385 Sylvan Ave.
Suite 29, 2nd Floor
Englewood Cliffs, NJ 07632
Tel: (201) 394-6229
Fax: (845) 353-7828
Email: erickleiner@verizon.net
Pro Bono Attorney for Petitioner,
Josh Pompey

Dated: November 9, 2024

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

I, Josh Pompey, 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 never married	You	Spouse
Employment	\$ 0	\$ n/a	\$ 0	\$ n/a
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

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
Petitioner has been incarcerated since 1989		none	\$ none
			\$
			\$

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 Petitioner has never been married.		none	\$ none
Petitioner has been incarcerated since 1989			\$
			\$

4. How much cash do you and your spouse have? \$ 0.00, never married
 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
none	none	\$ 0.00	n/a \$ Petitioner has never been married.
		\$	\$
		\$	\$

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 none
- Motor Vehicle #1
Year, make & model none
Value
- Motor Vehicle #2
Year, make & model none
Value
- Other assets
Description none
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 Petitioner has never been married.	\$ 0.00	\$ n/a Petitioner has never been married.
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
none Petitioner remains in prison since 1989	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ 0.00	\$ n/a
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0.00	\$ n/a
Home maintenance (repairs and upkeep)	\$ 0.00	\$ n/a
Food	\$ 0.00	\$ n/a
Clothing	\$ 0.00	\$ n/a
Laundry and dry-cleaning	\$ 0.00	\$ n/a
Medical and dental expenses	\$ 0.00	\$ n/a

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0.00</u>	\$ <u>n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0.00</u>	\$ <u>n/a</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ <u>n/a</u>
Life	\$ <u>0.00</u>	\$ <u>n/a</u>
Health	\$ <u>0.00</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>0.00</u>	\$ <u>n/a</u>
Other: _____	\$ <u>0.00</u>	\$ <u>n/a</u>
Taxes (not deducted from wages or included in mortgage payments)		
		n/a
(specify): _____	\$ <u>0.00</u>	\$ _____
Installment payments		
		n/a
Motor Vehicle	\$ <u>0.00</u>	\$ _____
Credit card(s)	\$ <u>0.00</u>	\$ <u>n/a</u>
Department store(s)	\$ <u>0.00</u>	\$ <u>n/a</u>
Other: _____	\$ <u>0.00</u>	\$ <u>n/a</u>
Alimony, maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>n/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)		
		n/a
Other (specify): _____	\$ <u>0.00</u>	\$ <u>n/a</u>
Total monthly expenses:	\$ <u>0.00</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 in prison since 1989 and remain in jail for life. My pro bono attorney has been with me through two trials and the habeas process since 1992 even though he is a solo practitioner. He is doing case for free since NJOPD stopped pool payments in 2014 and it is a hardship on this firm to fight for my innocence. I have no family left in New Jersey and I am penniless. Please approve my indigent status to alleviate at least some of the fees and costs that my pro bono counsel has endured.

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

Executed on: November, 2024

(Signature)