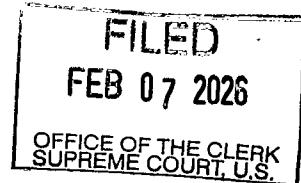


25-6794  
No. \_\_\_\_\_

ORIGINIAL  
FEB 07 2026

IN THE  
**Supreme Court of the United States**  
October Term, 2025



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ROBERT EMERT,  
*Petitioner,*

v.

DAWN BALERIO and ANDREA SCHUCK,  
*Respondents.*

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

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

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ROBERT EMERT  
Petitioner Pro Se  
2351 Vista Lago Terrace  
Escondido, California 92029  
(760) 612-9328

## **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

Petitioner Robert Emert respectfully moves for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis pursuant to Supreme Court Rule 39.

In support of this motion, Petitioner states:

1. Petitioner has previously been granted leave to proceed in forma pauperis in the United States District Court for the Southern District of California, Case No. 3:24-cv-00002-AGS-AHG, by Order dated August 21, 2024 (granting IFP under 28 U.S.C. § 1915(a)).
2. The district court subsequently revoked IFP status on November 12, 2024, upon referral from the Ninth Circuit, certifying the appeal as frivolous—the same certification that is the subject of this petition for certiorari.
3. Petitioner's Declaration in Support of this Motion (Form 4) is attached hereto.
4. Petitioner's Social Security Administration Award Letter, confirming Petitioner's disability status and benefits, is attached hereto as Exhibit 1.

WHEREFORE, Petitioner respectfully requests that this Court grant leave to proceed in forma pauperis.

Respectfully submitted,

/s/ Robert Emert

02/07/26

No. \_\_\_\_\_

IN THE  
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*Respondents*.

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On Petition for a Writ of Certiorari to the  
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**AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR  
LEAVE TO PROCEED IN FORMA PAUPERIS**

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ROBERT EMERT  
Petitioner Pro Se  
2351 Vista Lago Terrace  
Escondido, California 92029  
(760) 612-9328

I, Robert Emert, 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 declare under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746) that the following information is true and correct:

**1. Income.** For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months.

Income Source	You (Monthly Avg.)	Spouse
Employment	\$0	N/A
Self-employment	\$0	N/A
Income from real property	\$0	N/A
Interest and dividends	\$0	N/A
Gifts	\$0	N/A
Alimony	\$0	N/A
Child Support	\$0	N/A
Retirement	\$0	N/A
Disability (SSI)	\$900	N/A
Unemployment	\$0	N/A
Public assistance (SNAP)	\$550	N/A
Other	\$0	N/A
<b>TOTAL MONTHLY INCOME</b>	<b>\$1,450</b>	N/A

*See Exhibit 1 (SSA Award Letter) confirming disability status and benefit amount.*

**2. Employment History (past two years).**

None. Petitioner has had no employment in the past two years due to disability.

**3. Spouse's Employment History (past two years).**

Not applicable. Petitioner is not married.

**4. Cash and Bank Accounts.**

Type	Amount
Cash on hand	\$0
Checking account	\$0
Savings account	\$0

**5. Assets.**

Asset	Description	Value
Home	Do not own	\$0
Other real estate	None	\$0
Motor Vehicle	2004 Honda (operational)	\$2,500
Other assets	None	\$0

## 6. Money Owed to You.

None.

## 7. Dependents.

Name	Relationship	Age
Bryce Emert	Son	18

## 8. Monthly Expenses.

Expense	Amount
Rent or home-mortgage payment	\$0 *
Utilities	\$0 *
Home maintenance	\$0
Food	\$0 *
Clothing	\$0
Laundry and dry-cleaning	\$0
Medical and dental expenses	\$0
Transportation (gas)	\$100
Recreation / entertainment	\$0
Insurance	\$0
Taxes	\$0
Motor vehicle payments	\$0
Credit card payments	\$0
Alimony / child support paid	\$0
Other	\$0
<b>TOTAL MONTHLY EXPENSES</b>	<b>\$100</b>

\*Note: Petitioner resides with his parents, who pay for housing, utilities, and food. Petitioner does not know the specific amounts his parents pay for these expenses, as they do not share their financial details with him. Petitioner contributes nothing toward these costs and is entirely dependent on his parents' charity for basic living necessities.

## 9. Expected Changes.

No. Petitioner does not expect any major changes to monthly income or expenses in the next 12 months.

**10. Attorney Fees.**

No. Petitioner has not paid and will not be paying an attorney any money for services in connection with this case.

**11. Non-Attorney Services.**

No. Petitioner has not paid and will not be paying anyone other than an attorney any money for services in connection with this case.

**12. Additional Information.**

Petitioner is a federally-adjudicated disabled individual receiving Supplemental Security Income (SSI) of \$900 per month and SNAP benefits of \$550 per month. A copy of Petitioner's SSA Award Letter is attached as Exhibit 1.

The United States District Court for the Southern District of California previously granted Petitioner in forma pauperis status in the underlying case, No. 3:24-cv-00002-AGS-AHG, on August 21, 2024. The district court found that Petitioner "owns only one asset—a non-operational vehicle he values at \$2,500," "has no money in his bank accounts, has no income, is 'over \$50k in debt,' and depends entirely on the 'charity of [his] family' for housing and food." (ECF 10 at 1.)

Petitioner's financial circumstances have not materially improved since that determination. The vehicle referenced above is now operational but remains valued at approximately \$2,500. Petitioner continues to have no employment income and depends on family support for basic necessities. Petitioner cannot afford the \$300 filing fee for this petition or the costs of reproducing and mailing eleven copies of the petition and appendix.

The district court subsequently revoked Petitioner's IFP status on November 12, 2024, upon referral from the Ninth Circuit, by certifying the appeal as not taken in good faith. That certification is the very ruling challenged in this petition for certiorari.

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

/s/ Robert Emert

02/07/26

**Social Security Administration  
Supplemental Security Income  
Notice of Award**

**SOCIAL SECURITY  
367 VIA VERA CRUZ  
SAN MARCOS CA 92078**

**Date: July 3, 2025  
BNC#: 25S1179G60807 DI**

0000797 00000797 4 MB 2.165 SB9FNA T12 P2

SSN SSI M06 06/26 931 25S1179G60807  
ROBERT ANTHONY EMERT  
2351 VISTA LAGO TER  
ESCONDIDO CA 92029-5408

On May 28, 2025, we made a decision on the request for hearing that you filed on a Supplemental Security Income (SSI) claim dated June 26, 2023. The decision was that you meet the medical requirements to receive SSI. We now find that you meet the non-medical rules. Because of this, you are eligible for SSI as of March 2024 based on being disabled.

The rest of this letter explains your current monthly payment, your back payments, how we figured your payment amount, information about Medicaid, your reporting responsibilities, and your appeal rights.

**Your Current Monthly Payment**

Your current monthly payment is \$889.87 for July 2025. This amount includes \$245.20 from the State of California. This amount will continue unless there is a change in the information we use to determine your SSI eligibility and payment amount.

**See Next Page**