

25-6950

No. 25A188

FILED
NOV 03 2025
OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

JESSICA ARONG O'BRIEN, Petitioner,

VS.

UNITED STATES OF AMERICA, Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* & TO
FILE PETITION FOR WRIT OF CERTIORARI

Pursuant to Supreme Court Rule 39.1, Petitioner Jessica Arong O'Brien, proceeding *pro se*, respectfully moves for leave to proceed *in forma pauperis* in connection with the filing of the accompanying Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit (No. 24-1207), which affirmed the district court's denial of relief under 28 U.S.C § 2255 and the denial of a certificate of appealability (Case No. 22-CV-83 (Northern District of Illinois)). Petitioner seeks leave to file the petition without prepayment of costs and

in the format permitted under Rule 33.2. In support of this Motion, Petitioner states as follows:

1. Petitioner seeks review of the Seventh Circuit's decision affirming the denial of relief under 28 U.S.C. § 2255 and the denial of a certificate of appealability in Case No. 24-1207. Petitioner previously attempted to file a petition for a writ of certiorari as a paid filing. By letter dated November 12, 2025, the Clerk of the Court returned Petitioner's filing and explained that: (a) if Petitioner pays the docketing fee, she must submit 40 copies of the petition in booklet format under Rules 12.1 and 33.1; and (b) if Petitioner wishes to proceed *in forma pauperis*, she must file a motion for leave to do so accompanied by a declaration of indigency, and the petition must comply with Rule 33.2. The Clerk's letter enclosed the Guide for Filing a Petition for Writ of Certiorari for Petitioners Proceeding *In Forma Pauperis* and allowed 60 days to resubmit a corrected filing, returning Petitioner's \$300 money order.
2. Petitioner now elects to proceed *in forma pauperis* consistent with the Clerk's instructions and Rule 39.1, and submits this motion together with: (a) the Petition for a Writ of Certiorari prepared in Rule 33.2 format (original and ten copies on 8½-by-11-inch paper); and (b) a declaration of indigency executed under penalty of perjury on the financial form provided by the Clerk, together with a Supplemental Declaration explaining the figures and circumstances reported on that form.

3. Under Supreme Court Rule 39.1, a party desiring to proceed *in forma pauperis* shall file a motion for leave to do so together with a declaration showing the party's inability to pay costs. When leave is granted, papers may be filed under Rule 33.2 rather than the booklet-format requirements of Rule 33.1.
4. Petitioner's accompanying Declaration of Indigency sets forth all known sources of income, assets, and monthly expenses available to Petitioner and demonstrates the absence of funds available to her for litigation expenses. More specifically, the substantial costs associated with booklet-format printing, binding, and related filing services required for a paid petition are beyond her financial reach.
5. In *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331 (1948), this Court held that a litigant "need not be absolutely destitute" to proceed *in forma pauperis* and that it is sufficient if the declaration shows that, because of poverty, the affiant cannot pay the costs of litigation. Petitioner's declaration satisfies the *Adkins* standard.
6. In 2025, Petitioner's total gross income is about \$12,500, primarily consisting of stipends from a six-month internship with a re-entry nonprofit organization, The Ladies of Hope Ministries, LLC. That internship has ended on November 30, 2025 and Petitioner has no guaranteed or ongoing source of employment or independent contracting income.
7. During Petitioner's criminal trial, Petitioner obtained a home-equity line of credit secured by the marital residence in order

to pay for trial counsel and related litigation expenses. The current monthly payment on that line of credit is approximately \$1,200, and the outstanding balance exceeds \$200,000, which Petitioner is unable to pay due to her lack of employment and income. Those payments are currently being made by her spouse.

8. In addition to the line of credit described above, Petitioner has no independent means to meaningfully contribute to household or family obligations, including the majority of housing-related expenses, utilities, large medical expenses, and educational costs for the parties' three children. These obligations are currently borne primarily by Petitioner's spouse and will remain so until Petitioner is able to secure stable employment. Petitioner therefore has no personal financial resources available to cover litigation expenses in this Court.
9. Petitioner's financial declaration reflects that, as of the date of this motion, her total liquid funds across all of her personal bank accounts are approximately \$856. In addition to this amount, she also possesses the \$300 money order that was returned to her by the Clerk of the Court in connection with her prior attempted filing.
10. Petitioner has not previously sought or been granted leave to proceed *in forma pauperis* in this Court or in any other court.
11. Petitioner and her spouse own no other real estate beyond their family home, which is encumbered by a federal restitution lien arising from Petitioner's criminal case. Petitioner has no realistic

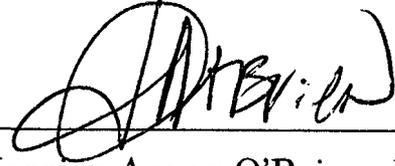
ability to access equity in the property or use it to finance Supreme Court litigation. The parties own only a single vehicle, which is necessary for basic transportation.

12. Granting this motion will permit Petitioner to proceed without prepayment of costs and to file the petition in Rule 33.2 format (original plus ten 8½-by-11-inch copies), as contemplated by Rule 39.1 and the Clerk's letter and guide for *in forma pauperis* petitioners.

For these reasons, Petitioner respectfully requests that the Court: (a) grant this Motion for Leave to Proceed *In Forma Pauperis*; (b) permit Petitioner to file the accompanying Petition for a Writ of Certiorari and any required appendices in Rule 33.2 format, without prepayment of costs; and (c) treat this *In Forma Pauperis* resubmission as timely curing the defects identified in the Clerk's November 12, 2025 letter within the 60-day period referenced therein.

Date: January 8, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arong O'Brien", written over a horizontal line.

Jessica Arong O'Brien, *Pro Se*
Petitioner

17cr239obrien@gmail.com

312-965-9604 (mobile)

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

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

I, Jessica Arong O'Brien, 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>N/A</u>	\$ <u>21,513</u>	\$ <u>0</u>	\$ <u>21,513</u>
Self-employment	\$ <u>892</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>150</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>1,042</u>	\$ <u>21,513</u>	\$ <u>0</u>	\$ <u>21,513</u>

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

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>None</u>	<u>\$0</u>	<u>\$0</u>

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").

Name	Relationship	Age
<u>Samantha Theresa O'Brien</u>	<u>Daughter</u>	<u>28</u>
<u>Judy Rose O'Brien</u>	<u>Daughter</u>	<u>22</u>
<u>Vanessa Kate O'Brien</u>	<u>Daughter</u>	<u>19</u>

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)(primary mortgage & HELOC)	<u>\$0</u>	<u>\$4,442</u>
Are real estate taxes included? NO		
Is property insurance included? NO		
Utilities (electricity, heating fuel, water, sewer, and telephone)	<u>\$0</u>	<u>\$721</u>
Home maintenance (repairs and upkeep)	<u>\$50</u>	<u>\$100</u>
Food	<u>\$250</u>	<u>\$1,000</u>
Clothing	<u>\$100</u>	<u>\$100</u>
Laundry and dry-cleaning	<u>\$0</u>	<u>\$120</u>
Medical and dental expenses	<u>\$100</u>	<u>\$100</u>

	You.	Your spouse
Transportation (not including motor vehicle payments)	<u>\$ 100</u>	<u>\$ 500</u>
Recreation, entertainment, newspapers, magazines, etc.	<u>\$ 75</u>	<u>\$ Unknown</u>

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renters	<u>\$ 0</u>	<u>\$ 53</u>
Life	<u>\$ 0</u>	<u>\$ Unknown</u>
Health	<u>\$ 0</u>	<u>\$ Unknown</u>
Motor Vehicle	<u>\$ 50</u>	<u>\$ 151</u>
Other: _____		
Taxes (not deducted from wages or included in mortgage payments) (specify): <u>2024 State and Federal Taxes & Tax Preparation Paid</u>		
<u>\$15,456 (Total)</u>	<u>\$ 0</u>	<u>\$ 1,318</u>
Installment payments		
Motor Vehicle	<u>\$ 0</u>	<u>\$ 0</u>
Credit Card(s).	<u>\$ 350</u>	<u>\$ 6,500</u>
Department Stores	<u>\$ 50</u>	<u>\$ Unknown</u>
Other: Installment Debt Payment for Personal Loan Post-Trial Expenses	<u>\$ 350</u>	N/A
Other: <u>Software subscription, state corporate Filings, Website, Trademark, etc. expenses</u>	<u>\$ 200</u>	N/A
Other: Spouse's College Tuitions, Books, Housing, Food, Allowance, Transportation, etc. Contributions to Three Daughters: 2 in college outside of Chicago, IL & 1 daughter completing her Phd. in Vancouver, Canada	<u>\$ 0</u>	<u>\$ 4,000</u>
Other: Monthly Condominium Assessments for Home	<u>\$ 0</u>	<u>\$ 1,417</u>
Total Monthly expenses:	<u>\$ 1,675</u>	<u>\$ 20,522</u>

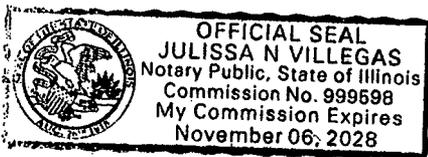
I, Jessica Arong O'Brien, declare under oath that the foregoing information is true and correct to the best of my knowledge and belief.

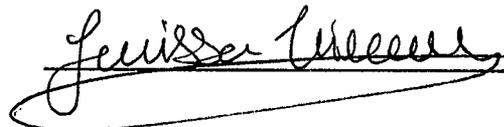


Jessica Arong O'Brien, Petitioner
312-965-9604 (mobile)
17cr239obrien@gmail.com

Date: January 8, 2026

Subscribed and sworn to before me on this 8 day of January, 2026.





Notary Public

My commission Expired: November 06, 2028

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

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

I, Jessica Arong O'Brien, hereby declare as follows:

1. I am the Petitioner in this matter. I submit this Supplemental Declaration to explain and clarify certain financial information reported in my Financial Affidavit and summarized in my Motion for Leave to Proceed *In Forma Pauperis*. To the extent this declaration addresses the same factual circumstances described in those filings, I confirm that the underlying financial facts stated there are true and correct to the best of my knowledge and based on information available to me.
2. My spouse and I have maintained separate financial accounts and financial arrangements throughout our marriage. I do not have access to his bank accounts, credit-card accounts, investment accounts, retirement accounts, or trust-related assets, and I do not receive regular financial statements reflecting his finances.
3. Accordingly, any amounts reported on the Court's financial affidavit form relating to my spouse's income, assets, or expenses are estimates based solely on limited information he has voluntarily shared with me or on my general awareness of recurring household obligations. I respectfully request that the Court treat those figures as good-faith estimates rather than precise accounting data.
4. With respect to my spouse's employment income, the figure reported in the affidavit is based solely on publicly available judicial salary information, not his actual paycheck. I do not have access to my spouse's payroll records, tax withholdings, benefit deductions, retirement contributions, elective or

mandatory deduction, or to the bank and credit accounts from which most, but not all, our household and personal expenses are paid. Accordingly, I cannot accurately state his income, assets or the precise amounts of many of his monthly expenses.

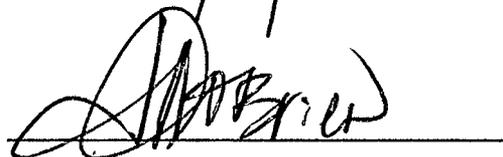
5. Many household expenses, including utilities, insurance, household maintenance, transportation costs, and educational expenses for our three daughters, are paid directly by my spouse from his own accounts. I do not have access to detailed billing statements or itemized breakdowns for many of these categories and therefore cannot provide precise monthly figures.
6. As far as I am aware, my spouse typically pays household and family expenses using his own bank accounts and personal credit cards that are solely in his name and to which I do not have access. Based on my general observation, he generally pays the balances of his multiple credit cards each billing cycle. Because I do not have access to his account statements or transaction histories, I was unable to calculate an average monthly amount over a twelve-month period as requested in the affidavit form, nor could I reliably disaggregate those charges into specific expense categories such as transportation, entertainment, or household goods. Any such allocations on the affidavit are therefore necessarily approximate.
7. My spouse bears primary responsibility for educational, housing, and living expenses for our three daughters, two of whom are currently enrolled in undergraduate programs and one of whom is completing doctoral studies. I am not involved in the administration or payment of tuition, current housing contracts, or related educational expenses and do not have

access to billing statements, payment records or account balances for those costs.

8. While I understand these expenses to be substantial, I cannot state precise monthly or annual amounts, and therefore any figures provided on the affidavit in this category are necessarily estimates based on my general understanding of typical college and graduate-level educational costs.
9. Beginning in June 2025, I received \$150 per month from renting one parking space associated with my marital residence. The renter chose to pay in six-month increments in advance for convenience, with the most recent payment received in early December 2025, covering the rental period through May 31, 2026. As a result, no additional rental income is expected for the next several months, and any funds received are already incorporated into the current cash balance reported in my financial affidavit.
10. I am associated with small business entities, including an entity through which I am developing advocacy and writing projects related to my case and my journey through the federal court system as a justice-impacted citizen. These entities are not currently generating income or profits. As of the date of this declaration, the balance in my business account is exactly \$7.91, which is insufficient to cover even basic personal expenses.
11. Because I lack employment, have minimal liquid funds, and do not have access to my spouse's separate financial resources, I am unable to prepay the substantial costs associated with a paid, booklet-format Supreme Court filing and still provide for basic living necessities. The financial information provided in my affidavit reflects my actual access to funds, not merely household income levels.

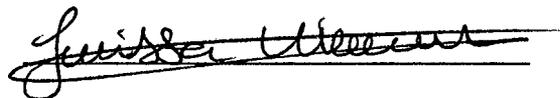
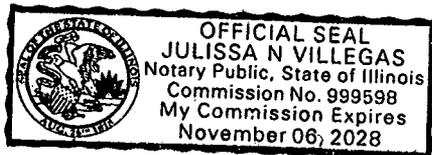
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/8, 2026.



Jessica Arong O'Brien

Subscribed and sworn to before me this 8 day of January, 2026.



Notary Public

My Commission Expires: November 06, 2028

CERTIFICATE OF SERVICE

I certify that on January 9, 2026, I served a true and correct copy of the foregoing Petition for Writ of Certiorari, Motion for Leave to Proceed *In Forma Pauperis*, Affidavit of Indigency, and Supplemental Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis* by depositing the same in the United States mail, postage prepaid, addressed to:

D. John Sauer
Solicitor General of the United States
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dated: January 9, 2026

A handwritten signature in black ink, appearing to read 'Jessica Arong O'Brien', written over a horizontal line.

Jessica Arong O'Brien, Pro Se