

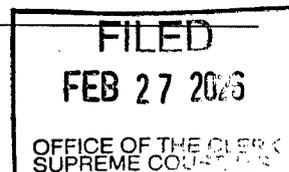
25-6982

No. _____

ORIGINAL

**IN THE
SUPREME COURT OF THE UNITED STATES**

TONY COLE,
Petitioner,



v.

JOSEPH FAULKNER, 1205 MILWAUKEE LLC, JIN HWI LEE a/k/a Jin Lee, DAVID
YANOFF, CHRISTOPHER ACUNA,
Respondents.

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

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Tony Cole
Pro Se Petitioner
P.O. Box 6301
Chicago, IL 60680
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tc3322@hotmail.com

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**IN THE
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TONY COLE,
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JOSEPH FAULKNER, 1205 MILWAUKEE LLC, JIN HWI LEE a/k/a Jin Lee, DAVID
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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

**TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE UNITED STATES:**

Petitioner Tony Cole respectfully moves for leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed in forma pauperis.

[X] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

- United States District Court for the Northern District of Illinois (Case No. 1:24-cv-12117)
- United States Court of Appeals for the Seventh Circuit (Case Nos. 25-1449 & 25-2029)

[X] Petitioner's declaration in support of this motion is attached hereto, along with supporting exhibits.

In support of this motion, Petitioner states:

1. Petitioner believes he is entitled to redress in this matter, as set forth more fully in the accompanying Petition for a Writ of Certiorari.
2. Petitioner has previously sought leave to proceed in forma pauperis in the United States District Court for the Northern District of Illinois and in the United States Court of Appeals for the Seventh Circuit in the proceedings below.

3. Petitioner is unable to pay the costs of this action or give security therefor because of his poverty and financial circumstances, as detailed in the attached Declaration in Support of this Motion and supported by the documentary evidence attached hereto as Exhibits A-C.
4. No other person or organization has agreed to indemnify Petitioner for costs incurred in this proceeding.
5. Petitioner is not represented by counsel and is proceeding pro se.

ADDITIONAL INFORMATION

I am requesting a fee waiver due to substantial financial hardship. My family and I would face significant hardship if required to pay the fees, costs, and charges associated with this case because I currently have zero cash income and am in severe financial distress. I receive SNAP benefits solely for food assistance, which demonstrates my need for basic subsistence support.

The attached exhibits corroborate my financial circumstances:

Exhibit A - SNAP Notice dated September 13, 2024, confirms my eligibility for food assistance and establishes my poverty status as recognized by the State of Illinois.

Exhibit B - Email dated July 8, 2025, confirms my continued eligibility for SNAP and Medical benefits through at least June 30, 2026.

Exhibit C - (Certification of Homelessness dated April 11, 2025, November 7, 2025) confirms my status as a shelter resident and verifies my lack of permanent housing.

The imposition of filing fees would further burden my already precarious financial situation, rendering it impossible for me to cover essential living expenses for myself and my dependents.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion for Leave to Proceed in Forma Pauperis and accept the accompanying Petition for a Writ of Certiorari for filing without prepayment of costs.

/s/ Tony Cole

Tony Cole, Pro Se Petitioner

P.O. Box 6301

Chicago, IL 60680

(331) 551-4483

tc3322@hotmail.com

Dated: February 27, 2026

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TONY COLE,
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JOSEPH FAULKNER, 1205 MILWAUKEE LLC, JIN HWI LEE a/k/a Jin Lee, DAVID
YANOFF, CHRISTOPHER ACUNA,
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**DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS**

I, /s/ *Tony Cole*, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge, information, and belief:

1. INTRODUCTION

I am the petitioner in the above-entitled case. Because of my poverty, I am unable to prepay the costs of this proceeding or to give security therefor. I believe I am entitled to redress. This declaration is submitted in support of my motion to proceed in forma pauperis.

2. EMPLOYMENT STATUS AND INCOME

I am currently unemployed and have been unemployed for the past 12 months. I have no income from any employment, self-employment, or business source.

My sole source of support is Supplemental Nutrition Assistance Program (SNAP) benefits in the amount of \$298 per month. Attached as Exhibit A is a true and correct copy of my Notice of Decision from the Illinois Department of Human Services dated September 13, 2024, approving my SNAP benefits. Attached as Exhibit B is a true and correct copy of an email from the Illinois Department of Human Services dated July 8, 2025, confirming that my SNAP and Medical benefits are approved with a REDE due date of June 30, 2026.

I receive no other income from any source, including but not limited to: wages, self-employment, real property, interest, dividends, gifts, alimony, child support, retirement, disability, unemployment payments, or public assistance other than SNAP.

3. HOUSING STATUS

I am homeless. Attached as Exhibit C is a true and correct copies of my Certifications of Homelessness from Pacific Garden Mission, dated April 11, 2025, and November 7, 2026 certifying that I have been a resident of the shelter since April 11, 2025, and that the shelter provides me with clothing, food, shelter, and other services.

My housing situation is unstable and requires rotation through the shelter system as follows: 90 days in, 30 days out; then 60 days in, 30 days out; and currently 30 days in, 30 days out. This cycle of homelessness exacerbates my financial instability and threatens my ability to secure basic shelter.

4. FAMILY AND DEPENDENTS

I am married but separated and have minor children who rely on me for support. My children mother is also unemployed and has no income. My dependents are:

Name (Initials)	Relationship	Age
C.C	Single/Seperated	41
J.C.	Minor Child	5
M.C.	Minor Child	2

5. AVERAGE MONTHLY INCOME DURING THE PAST 12 MONTHS

Income Source	Petitioner	Spouse
Employment	\$0	\$0
Self-employment	\$0	\$0

Income from real property	\$0	\$0
Interest and dividends	\$0	\$0
Gifts	\$0	\$0
Alimony	\$0	\$0
Child Support	\$0	\$0
Retirement	\$0	\$0
Disability	\$0	\$0
Unemployment payments	\$0	\$0
Public-assistance (SNAP)	\$298	\$0
Other (Medical benefits)	In-kind medical coverage only	\$0
Total monthly income:	\$298	\$0

6. EMPLOYMENT HISTORY (PAST TWO YEARS)

I have had no employment during the past two years.

7. CASH AND BANK ACCOUNTS

Asset	Amount
Cash on hand	\$0

Checking accounts	None
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Savings accounts	None
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Any other financial accounts	None
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8. ASSETS

Asset	Value
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Home	None (I am homeless)
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Other real estate	None
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Motor vehicles	None
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Clothing and ordinary household furnishings	Minimal, as I reside in a shelter
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Other assets	None
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9. MONEY OWED TO ME

No person, business, or organization owes me money.

10. AVERAGE MONTHLY EXPENSES

Expense Category	Petitioner	Spouse
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Rent or home mortgage payment	\$0 (shelter)	\$0
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Utilities	\$0	\$0
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Home maintenance	\$0	\$0
Food	\$298 (SNAP)	\$0
Clothing	\$0	\$0
Laundry and dry-cleaning	\$0	\$0
Medical and dental expenses	Covered by benefits	\$0
Transportation	\$0	\$0
Recreation/entertainment	\$0	\$0
Insurance	\$0	\$0
Taxes	\$0	\$0
Installment payments	\$0	\$0
Alimony/support paid to others	\$0	\$0
Total monthly expenses:	\$298	\$0

11. EXPECTED MAJOR CHANGES

I do not expect any major changes to my income or expenses during the next 12 months. My homelessness and unemployment are ongoing. My SNAP benefits are approved through June 30, 2026. I have no reason to believe they will be terminated before that date.

12. ATTORNEY FEES

I have not paid and will not be paying any attorney for services in connection with this case. I am proceeding pro se.

13. PAYMENTS TO NON-ATTORNEYS

I have not paid and will not be paying anyone other than myself for services in connection with this case, including for the completion of this form.

14. ADDITIONAL INFORMATION

I am requesting a fee waiver due to substantial financial hardship. My family and I would face significant hardship if required to pay the fees, costs, and charges associated with this case because I currently have zero cash income and am in severe financial distress. I receive SNAP benefits solely for food assistance, which demonstrates my need for basic subsistence support.

The attached exhibits corroborate my financial circumstances:

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The imposition of filing fees would further burden my already precarious financial situation, rendering it impossible for me to cover essential living expenses for myself and my dependents.

15. CONCLUSION

For the foregoing reasons, I respectfully request that my motion to proceed in forma pauperis be granted, allowing me to file the attached petition for a writ of certiorari without prepayment of costs.

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

Executed on: February 27, 2026

/s/ Tony Cole

Tony Cole, Petitioner

Harris St., P.O. Box 6301

Chicago, IL 60680

(331) 551-4483

tc3322@hotmail.com

Dated: February 27, 2026

EXHIBIT A: A copy of the September 13, 2024 SNAP Notice of Decision

EXHIBIT B: A copy of the July 8, 2025 email from Illinois DHS

EXHIBIT C: Copies of the April 11, 2025, and November 7, 2025 Certifications of Homelessness from Pacific Garden Mission.

CERTIFICATE OF SERVICE

I, Tony Cole, certify that on February 27, 2026, I caused the foregoing Motion for Leave to Proceed In Forma Pauperis, Declaration in Support thereof, and accompanying exhibits to be deposited in the United States mail, first-class postage prepaid, addressed to the Clerk, Supreme Court of the United States, Washington, D.C. 20543. I further certify that on this date, I served a true and correct copy of the Motion for Leave to Proceed In Forma Pauperis, Declaration in Support thereof, accompanying exhibits, and the accompanying Petition for a Writ of Certiorari on all parties required to be served by depositing copies in the United States mail, first-class postage prepaid, addressed as follows:

Party	Attorney/Address
Joseph Faulkner and 1205 Milwaukee LLC	Monica Forte, FORTE & ASSOCIATES, LLC, 4254 N. Damen, Chicago, IL 60618
Christopher Acuna	Acuna Law Offices, 1 N. State St., Ste 1500, Chicago, IL 60602
David Yanoff	Robert F. Merlo, Wilson Elser LLP, 55 W. Monroe, Suite 3800, Chicago, IL 60603
Jin Hwi Lee a/k/a Jin Lee	1518 Plymouth Place, Unit 2S, Glenview, IL 60025

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

Executed on: February 27, 2026

/s/ Tony Cole

Tony Cole, Pro Se Petitioner

**Additional material
from this filing is
available in the
Clerk's Office.**