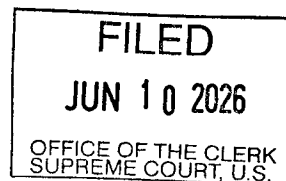


25-7655 ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



Gabriel Montelongo — PETITIONER
(Your Name)

VS.

Hon. Heidi L. Kitcher, Judge — RESPONDENT(S)
12th Cir Ct of App of Iowa, et al
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

10th circuit, and 10th circuit court of appeals

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

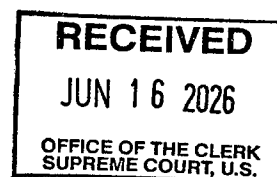
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☐ a copy of the order of appointment is appended.


(Signature)



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

I, Gabriel Montoya, 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>0</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>1,000</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Other (specify): <u>SNAP</u>	\$ <u>300</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>1,300</u>	\$ _____	\$ _____	\$ _____

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
MARRIOTT	7900 E. Peabody Ave Greenwood Ave	March 3-13, 2025	\$ 1800/month
Blue Bell Toys	6425 64th Ave Over	Dec 3-21 2024	\$ 2,500/month

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
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 100
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking / Savings	\$ 1,000	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☒ Home
Value 440,000

☒ Other real estate
Value 650,000

☐ Motor Vehicle #1
Year, make & model 2010 SEITA
Value 2,000

☐ Motor Vehicle #2
Year, make & model 2017 BMW Motorrad
Value 1,000

☐ Other assets
Description _____
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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ <u>4,121.17</u>	\$ _____
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>75</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>75</u>	\$ _____
Food	\$ <u>30</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>20</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>150</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>50</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ <u>70</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ <u>2,000</u>	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>6,591.17</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.

* See Attached

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.

* See Attached

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

Executed on: June 10th, 2026


(Signature)

Regarding Question 9:

As of July 1, 2026, I am four months in arrears on my secondary mortgage. Due to this delinquency, I am facing the imminent threat of foreclosure proceedings. My current monthly expenses significantly exceed my total monthly income, and my financial reserves are exhausted. Consequently, I anticipate major changes to my liabilities and the potential loss of assets, specifically the properties mentioned in this application, within the next 12 months.

Regarding Question 12:

I, Gabriel Montelongo, am unable to pay the costs of this case because my monthly expenses significantly exceed my total monthly income. As of July 1, 2026, I am four months in arrears on my secondary mortgage, creating an imminent and severe risk of foreclosure that threatens my housing stability.

My remaining assets are non-liquid, heavily encumbered, and subject to pending legal actions. Furthermore, ongoing identity theft-related disruptions have severely restricted my access to available funds, creating insurmountable barriers to prepaying court fees while simultaneously maintaining basic necessities. My financial reserves are exhausted, and my current economic situation renders me unable to provide security for the costs of this proceeding.

SERVICE LIST

The following parties were served with a true and correct copy of the Motion for Equitable Access and Procedural Accommodation via U.S. Priority Post and/or electronic mail on this 10th day of June, 2026:

Hon. Heidi L. Kutcher, Denver District Court, Division 280

1437 Bannock St. Denver, CO 80202

Hon. Sarah B. Wallace, Denver District Court, room 209

1437 Bannock St. Denver, CO 80202

Gina Simonson, Disciplinary Counsel, Office of Attorney Regulation Counsel

1300 Broadway, Suite 520 Denver, CO 80203

Colorado Supreme Court Clerk's Office

2 E. 14th Ave. Denver, CO 80203

City and County of Denver, c/o Office of the City Attorney

1437 Bannock St., Room 353 Denver, CO 80202