

26-5214

No.

ORIGINAL

FILED

JUL 14 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

James R. Caputo, M.D.

PETITIONER

VS.

Richard S. Tubiolo, Esq.

Bryan S. Kornfield, Esq.

Hirsch and Tubiolo, PC

RESPONDENTS

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached *Petition for Writ of Mandamus* without prepayment of costs and to proceed *in forma pauperis*. Petitioner has previously been granted assigned counsel in 2021 in Onondaga County (NY) Family Court after filing a financial disclosure affidavit with the Court, but did not specifically proceed *in forma pauperis*. Petitioner has proceeded *in forma pauperis* when filing his *Petition for Writ of Certiorari* on January 20, 2026, for his *Brief in Reply* on March 3, 2026 and for his *Petition for Rehearing* on April 17, 2026. Petitioner's affidavit in support of this Petition is attached hereto.

July 25, 2026


James R. Caputo, M.D.
Petitioner, pro se
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Jamesville, N.Y. 13078
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DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO
PROCEED *IN FORMA PAUPERIS*

I, James R. Caputo, M.D., 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.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0_____	\$_0____	\$0_____	\$_0____
Self-employment	\$3,100_____	\$_0____	\$3,300_____	\$_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:	\$ 3,100	\$_0____	\$ 3,300	\$_0____

1. Employment history for the past two years.

<u>Employer & Address</u>	<u>Dates of Employment</u>	<u>Gross monthly pay</u>
House Surgeon Renovations 4278 Lafayette Road Jamesville, NY 13078	October 2021 – present	\$3,300

2. Spouse's employment history. Petitioner is not married.

3. How much cash do you have? \$ 9

(As of 7/25/2026)

<u>Type of account</u>	<u>Amount you have</u>	<u>Amount your spouse has</u>
<u>KeyBank Personal Checking</u>	<u>\$ 9.06</u>	<u>\$ 0</u>
<u>KeyBank Business Checking</u>	<u>\$ 230.00</u>	<u>\$ 0</u>
<u>Ally Bank1 Checking (Child Supp Acct)</u>	<u>\$ 303.00</u>	<u>\$ 0</u>
<u>Ally Bank2 Checking</u>	<u>\$ 5.71</u>	<u>\$ 0</u>
<u>Empower Federal Credit Union Checking</u>	<u>\$ 28.54</u>	<u>\$ 0</u>
<u>Empower Federal Credit Union Savings</u>	<u>\$ 5.00</u>	<u>\$ 0</u>

4. List the assets, and their values, which you own or your spouse owns.

Do not list clothing and ordinary household furnishings.

☐ Home

Value none

☐ Other real estate

Value none

☒ Motor Vehicle #1

Year/make/model: 2014 Ford E250

Value: \$9,000

☒ Motor Vehicle #2

Year/make/model: 2010 Mercury Mariner

Value: \$4,700

☒ Other assets

Description: Work tools

Value: \$3,000

5. 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

The three Respondents in this present matter.	\$	13,200,000	\$	0
Robert T. Houle / Houle Sales Consulting, Inc Currently in litigation in NY. NY E2024000703 NY CA 24-01298	\$	25,000	\$	0

6. Persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>C. Caputo – Child Support</u>	<u>son</u>	<u>19</u>
<u> </u>	<u> </u>	<u> </u>

7. Estimate the average monthly expenses of you and your family.

	You	Your spouse
Rent payment	\$ 600	\$ 0
Are real estate taxes included? ☐ Yes ☒ No		
Is property insurance included? ☐ Yes ☒ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 200	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 500	\$ 0
Clothing	\$ 20	\$ 0
Laundry and dry-cleaning	\$ 30	\$ 0
Medical and dental expenses	\$ 0	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 250	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 50	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 235	\$ 0
Other: <u>Trash Service</u>	\$ 40	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>none</u>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 590	\$ 0
Credit card(s)	\$ 400	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>none</u>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 650	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 350	\$ 0
Other (specify): <u>storage unit</u>	\$ 315	\$ 0
Total monthly expenses:	\$ 4,230	\$ 0

8. 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.

9. 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? none

If yes, state the attorney's name, address, and telephone number:

10. 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? none

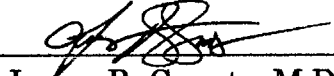
If yes, state the person's name, address, and telephone number:

11. Provide any other information that will help explain why you cannot pay the costs of this case.

A considerable amount of time has been lost from work to attend to this case and to another unexpected civil matter, resulting in persistent financial struggles. Because I have been upside down several months these past three years, my credit debt continues at around \$8K. Until all submissions for these matters are complete, a full return to work is not completely possible. As a result, I am presently and unfortunately unable to cover the filing and printing costs for this Petition to be submitted under Supreme Court Rule 33.1 and therefore am grateful to the Clerk and to The Court for allowing submission under Rule 33.2.

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct under penalty of perjury.

Executed on, July 25, 2026


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