

No. _____

Ninth Circuit 25-6780

IN THE SUPREME COURT OF THE UNITED STATES

ANTHONY JAMES MYERS,

Petitioner,

v.

LUIS GARNICA,

Respondent.

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

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner respectfully moves for leave to proceed *in forma pauperis* under Rule 39 of the Rules of the Supreme Court of the United States and 28 U.S.C. § 1915.

Petitioner is unable to pay the docketing fee and other costs associated with this proceeding. Petitioner is a prisoner serving a sentence in the State of California.

In support of this motion, Petitioner submits the attached affidavit or declaration in the form prescribed by Federal Rule of Appellate Procedure Form 4 or otherwise declares under penalty of perjury that the information provided is true and correct.

Petitioner sought leave to proceed *in forma pauperis* in his appeal and motion for a certificate of appealability to the Ninth Circuit in this case, which is the subject of this petition. The Court denied his motion and never reached the question of appointment of counsel.

Petitioner therefore requests that this Court grant leave to proceed in forma pauperis and permit the accompanying petition or other filing to be filed without prepayment of fees or costs.

Respectfully submitted,

/s/ Christopher L. Haberman

Christopher L. Haberman,

Attorney at Law

P.O. Box 521

Visalia, CA 93279

(559) 737-0687

habermanlaw@gmail.com

August 14, 2026

For Petitioner:

Anthony James Myers, BH-6306

Fac. B, Bldg. 9, C-243

Mule Creek State Prison

P.O. Box 409040

Ione, CA 95640

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

I, Myers, Anthony, 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>Don't know</u>	\$ <u>185.00</u>	\$ <u>Don't know</u>
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>2,220</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>2,220</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): <u>VA</u>	\$ _____	\$ _____	\$ _____	\$ _____
	<u>2,220</u>		<u>185.00</u>	
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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
<u>Na</u>	<u>Na</u>	<u>Na</u>	\$ <u>NA</u>
			\$
			\$

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
<u>Na</u>	<u>Na</u>	<u>Na</u>	\$ <u>Na</u>
			\$
			\$

4. How much cash do you and your spouse have? \$
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
<u>/</u>	\$ <u>/</u>	\$ <u>Don't know</u>
	\$	\$
	\$	\$

5. 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 NONE
Value _____

☒ Motor Vehicle #2
Year, make & model NONE
Value _____

☒ Other assets
Description NONE
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

VA
185.00

\$ VA
\$ 185.00

\$
\$
\$

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

NONE

NONE

NONE

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)

\$ NONE

\$ DONT KNOW

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$

\$

Home maintenance (repairs and upkeep)

\$

\$

Food

\$

\$

Clothing

\$

\$

Laundry and dry-cleaning

\$

\$

Medical and dental expenses

\$

\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>1</u>	\$ <u>Don't know</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
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): <u>VA 145.00</u>	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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.

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? 5,000

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

Christopher Haberman SBN: 132604
PO Box 521
Vasilica, CA 93279

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.

I am a Disabled veteran, and while I am incarcerated I am only entitled to exactly 185.00 a month, most certainly not enough to prove my innocence, I cant do this alone, I'll stay in prison for ever for nothing.

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

Executed on: 8/6, 2026

(Signature)