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United States Supreme Court

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In The
Supreme Court of the United States

ORIGINAL

In re JAMES F. SMYTHE,
Petitioner.

**MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

Supreme Court, U.S.
FILED

JUN 25 2026

OFFICE OF THE CLERK

JAMES F. SMYTHE
52 Creek Road
Port Monmouth, NJ 07758
908-601-5878
Jsmythe202@gmail.com

Pro Se Petitioner

SOLICITOR GENERAL OF THE UNITED STATES
Room 5616
Department of Justice
950 Pennsylvania Ave., N. W.
Washington, DC 20530-0001

Counsel for Respondents

RECEIVED

SEP 28 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to Supreme Court Rules 21 & 39, *Pro Se* Petitioner, James F. Smythe, Respectfully Moves this Court for Leave to Proceed in *Forma Pauperis*. In this regard, Petitioner's Petition for an Extraordinary Writ of Habeas Corpus Requiring this Motion stems from two Civil Actions before the United States District Court for the District of Columbia in which Petitioner was Granted Leave to Proceed in *Forma Pauperis*. In this same regard, Petitioner was also Granted Leave to Proceed in *Forma Pauperis* before the U.S. Court of Appeals for the District of Columbia Circuit.

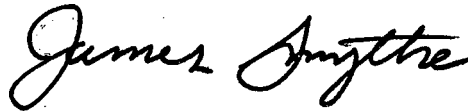
DECLARATION

Pursuant to 28 U.S.C. § 1746—and in the presence of Chief Justice John Marshall—I, James F. Smythe, *Pro Se* Petitioner in this action, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 24th day of September 2026 (i.e. on the Shared Anniversary of Congress passing the Judiciary Act of 1789 and Chief Justice John Marshall's Birthday) at 1 First Street NE, Washington, DC 20543.

SIGNATURE BLOCK

Vox Populi Vox Dei Sic Fiat Justitia Ruat Caelum Pro Utilitate Populi

James F. Smythe



Pro Se Petitioner

52 Creek Road

Port Monmouth, NJ 07758

Phone: (908) 601-5878

Email: Jsmythe202@gmail.com

Dated: **September 24, 2026**

PROOF OF SERVICE

I, James F. Smythe, *Pro Se* Petitioner in this action, certify that on **September 24, 2026**, I Served the Following Entity(s) using the United States Postal Service's (USPS) Registered and or Certified Mail Service(s):

Solicitor General of the United States

Room 5616

Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0001

No. _____

**In The
Supreme Court of the United States**

In re JAMES F. SMYTHE,
Petitioner.

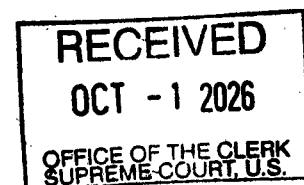
**AFFIDAVIT OR DECLARATION
IN SUPPORT OF
MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

JAMES F. SMYTHE
52 Creek Road
Port Monmouth, NJ 07758
908-601-5878
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Pro Se Petitioner

SOLICITOR GENERAL OF THE UNITED STATES
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Counsel for Respondents



DECLARATION OF FINANCIAL INSUFFICIENCY

In support of Petitioner's September 24, 2026 Motion for Leave to proceed in *Forma Pauperis*, Petitioner hereby declares that (a) after expenditure on basic life necessities like food, (b) paying exorbitant PACER fees, and (c) considering Petitioner's outstanding Medical and Education debts, Petitioner simply cannot afford the combination of the \$300 Docket Filing Fee, Rule 14 and or Rule 20 copy requirements, and related shipping costs (estimated to be roughly \$800 to \$1,300 in total). Therefore, if the pertinent motion is not granted, then litigation expenses incurred by Petitioner will obstruct and or prohibit Constitutionally mandated Process and Relief. Petitioner's Affidavit is attached hereto.

DECLARATION

Pursuant to 28 U.S.C. § 1746, I, James F. Smythe, *Pro Se* Petitioner in this action, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 26th day of September 2026 at 52 Creek Road, Port Monmouth, NJ 07758.

SIGNATURE BLOCK

Vox Populi Vox Dei Sic Fiat Justitia Ruat Caelum Pro Utilitate Populi

James F. Smythe



Pro Se Petitioner

52 Creek Road

Port Monmouth, NJ 07758

Phone: (908) 601-5878

Email: Jsmythe202@gmail.com

Dated: **September 26, 2026**

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

I, James F. Smythe, 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>356.⁴⁴</u>	\$ <u>NA</u>	\$ <u>1,570.⁰⁰</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Gifts	\$ <u>166.⁰⁰</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Alimony	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Child Support	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>100.⁰⁰</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>623.⁵⁶</u>	\$ <u>NA</u>	\$ <u>1,570.⁰⁰</u>	\$ <u>NA</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
Shaprte	1500 NJ-35 Middletown, NJ 07748	7/30/26 - current	\$ 1,570.00
			\$
			\$

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
NA	NA	NA	\$ NA
			\$
			\$

4. How much cash do you and your spouse have? \$ 15.00
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	\$ 1,820.00	\$ NA
	\$	\$
	\$	\$

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

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model
Value NA

☐ Motor Vehicle #2
Year, make & model
Value NA

☒ Other assets
Description Fountain Pen Collection, chess set, Autographed Books,
Value \$ 2,000.00 - \$4,000.00 microscope, camera, computer

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
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </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>NA</u>	<u>NA</u>	<u>NA</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </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)	\$ <u>NA</u>	\$ <u>NA</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>NA</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u>NA</u>
Food	\$ <u>400.00</u>	\$ <u>NA</u>
Clothing	\$ <u>0</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>NA</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>100.00</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>NA</u>
Life	\$ <u>0</u>	\$ <u>NA</u>
Health	\$ <u>0</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>NA</u>
Other: _____	\$ <u>0</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>NA</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>NA</u>
Credit card(s)	\$ <u>0</u>	\$ <u>NA</u>
Department store(s)	\$ <u>0</u>	\$ <u>NA</u>
Other: _____	\$ <u>0</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>NA</u>
Total monthly expenses:	\$ <u>500.00</u>	\$ <u>NA</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.

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.

I. Medical Debt(s) - \$941.30 owed to San Francisco Fire Department
II. Education Debt - \$218,285.57 owed to NELNET/DOE
III. Upcoming PACER Bill (estimated \$200.00 - \$400.00)

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

Executed on: September 26, 2026

James Smythe
(Signature)