

26-5878

ORIGINAL

No. ____

In the Supreme Court of the United States

NICOLAS A. MANZINI,

Petitioner,

v.

TALBERT CYPRESS and LUCAS K. OSCEOLA,

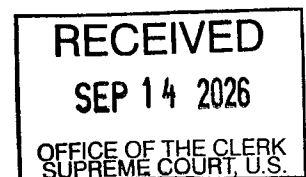
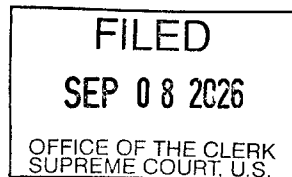
Respondents.

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

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
PURSUANT TO SUP. CT. R. 39 AND 28 U.S.C. §§ 1746(1), 1915

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Petitioner, Pro Se



Petitioner Nicolas A. Manzini in propria persona respectfully requests leave to proceed henceforth *In Forma Pauperis* upon filing his *PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT* lodged concurrently herewith.

For the past several years, Petitioner, a retired lawyer, has been catastrophically ill with bladder cancer, stage 5 kidney disease, and osteomyelitis and amputations of his toes and concomitant chemotherapy and related treatments for renal failure that caused early retirement and inability to work and have depleted his savings and limited fixed income, i.e., his Social Security benefits.

Due to Petitioner's on-going health conditions, Justice Thomas granted Petitioner's *Application for Extension of Time to File Petition for Writ of Certiorari, etc.* up to and including September 24, 2026. See Application No. 25A1425.

Simply put, although he did not seek to proceed *In Forma Pauperis* when he commenced this action in the district court in 2024 and has not been granted *In Forma Pauperis* status in the lower courts, Petitioner can no longer afford to pay the costs associated with this certiorari proceeding including the production of his *Petition for Writ of Certiorari* in Booklet Form. Petitioner's funds have been totally depleted.

Yet the significant question presented in the *Petition for Writ of Certiorari* is a novel one worthy of the Court's consideration:

"In enacting the Indian Gaming Regulatory Act of 1988, 29 U.S.C. §§ 2701, et seq. (IGRA), did Congress intend to foreclose courts from granting

prospective equitable relief to stop tribal casino operators from violating the letter and spirit of the Act?"

At least one federal court outside the Eleventh Circuit has held that Congress did *not* foreclose courts from granting prospective equitable relief under such circumstances.

The accompanying *DECLARATION* in support of this *MOTION* details Petitioner's present economic condition.

To summarize, although he has not previously requested leave to proceed *In Forma Pauperis* in the lower courts, Petitioner is presently unable to afford the costs that would now be required to format, print, bind and serve his *PETITION* in Booklet Format, among other things.

Accordingly, Petitioner respectfully requests leave to proceed henceforth *In Forma Pauperis* before this honorable Court, and to file his *PETITION* and its *Appendices* in 8½ x 11" format.

Dated: September 8, 2026



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

I, NICOLAS A. MANZINI, 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>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>1603</u>	\$ <u>N/A</u>	\$ <u>1603</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>1603</u>	\$ <u>N/A</u>	\$ <u>1603</u>	\$ <u>N/A</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
RETIRED	N/A	N/A	\$ 0
			\$
			\$

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
N/A	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ 500
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	\$ 2000	\$ N/A
	\$	\$
	\$	\$

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model N/A
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
<u>NONE</u>	\$ <u>N/A</u>	\$ <u>N/A</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>NONE</u>	<u>N/A</u>	<u>N/A</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
<u>Rent</u> or home-mortgage payment (include lot rented for mobile home)	\$ <u>700</u>	\$ <u>N/A</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>150</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>40</u>	\$ <u>N/A</u>
Food	\$ <u>100</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>10</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>200</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>75</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>25</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>100</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>1400</u>	\$ <u>N/A</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? 0

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

N/A

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? 0

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

N/A

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

75 YEARS OLD + DISABLED

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

Executed on: September 8, 2026

Nicola E. Mazzini

(Signature)