26-6136

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
OCT 06 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Daniel Mackey — PETITIONER

(Your Name)

vs.

Joanna Olejniczak — RESPONDENT(S)

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:

[X] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

- Superior Court of California, County of Orange, No. 22P000008 — fee waiver requested and GRANTED November 3, 2025 (Order on Court Fee Waiver, form FW-003).
- California Court of Appeal, Fourth Appellate District, Division Three, No. G066480 — application filed April 30, 2026, DENIED May 4, 2026; second application filed May 14, 2026, GRANTED May 18, 2026 (Cal. Rules of Court, rule 8.26).
- Supreme Court of California, No. S296834 — application to proceed in forma pauperis filed May 26, 2026, GRANTED June 2, 2026.

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

[X] 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:

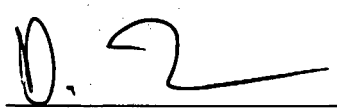
[ ] The appointment was made under the following provision of law:

_____, or

[ ] a copy of the order of appointment is appended.

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Rule 39, ¶ 1 statement: Leave to proceed in forma pauperis was sought in three other courts in this matter, as listed above; it was granted in each, after one initial denial in the Court of Appeal that was followed by a grant on a renewed application.



(Signature) Daniel Mackey, Petitioner pro se
220 Newport Center Drive, Unit 11-141, Newport Beach, CA 92660 · (630) 347-4708 · daniel@LDCH.us

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

I, Daniel Mackey, 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 — You	Spouse	Amount expected next month — You	Spouse
Employment	$ 1,691.67	$ 0.00	$ 0.00	$ 0.00
Self-employment	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Income from real property (such as rental income)	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Interest and dividends	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Gifts	$ 875.00	$ 0.00	$ 2,100.00	$ 0.00
Alimony	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Child Support	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Retirement (such as social security, pensions, annuities, insurance)	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Disability (such as social security, insurance payments)	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Unemployment payments	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Public-assistance (such as welfare)	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Other (specify):	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Total monthly income:	**$ 2,566.67**	$ 0.00	**$ 2,100.00**	$ 0.00

Employment: $2,900 per month from October 2025 through April 2026 (7 of the past 12 months), averaged over 12 months; employment ended April 2026. Gifts: family members pay petitioner's rent, utilities, food and IRS installment since employment ended (approximately $2,100 per month, May 2026 to present), averaged over 12 months.

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
SoCal Lux Rentals (rental car repossession)	220 Newport Center Drive, Newport Beach, CA	2025 to April 2026	$ 2,900.00
LD Ventures (sales representative)	1001 S. Main Street, Kalispell, MT 59901	Feb. 1, 2022 to 2025	$ 4,500.00

3. List your spouse's employment history for the past two years, most recent employer first.

Not applicable — petitioner is not married.

4. How much cash do you and your spouse have? $ 0.00

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
None	$ 0.00	$ 0.00

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

☐ Home Value: $ 0.00

☐ Other real estate Value: $ 0.00

☐ Motor Vehicle #1 Year, make & model: None Value: $ 0.00

☐ Motor Vehicle #2 Year, make & model: None Value: $ 0.00

☐ Other assets Description: None Value: $ 0.00

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
None	$ 0.00	$ 0.00

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
L.M.	Son	11
M.M.	Son	6

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.

Expense	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$ 500.00	$ 0.00
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 100.00	$ 0.00
Home maintenance (repairs and upkeep)	$ 0.00	$ 0.00
Food	$ 800.00	$ 0.00
Clothing	$ 0.00	$ 0.00
Laundry and dry-cleaning	$ 0.00	$ 0.00
Medical and dental expenses	$ 0.00	$ 0.00
Transportation (not including motor vehicle payments)	$ 0.00	$ 0.00
Recreation, entertainment, newspapers, magazines, etc.	$ 0.00	$ 0.00
Insurance — homeowner's or renter's	$ 0.00	$ 0.00
Insurance — life	$ 0.00	$ 0.00
Insurance — health	$ 0.00	$ 0.00
Insurance — motor vehicle	$ 0.00	$ 0.00
Insurance — other	$ 0.00	$ 0.00
Taxes (not deducted from wages) — IRS installment plan	$ 700.00	$ 0.00
Installment payments — motor vehicle	$ 0.00	$ 0.00
Installment payments — credit card(s)	$ 0.00	$ 0.00
Installment payments — department store(s)	$ 0.00	$ 0.00
Installment payments — other	$ 0.00	$ 0.00
Alimony, maintenance, and support paid to others	$ 0.00	$ 0.00
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0.00	$ 0.00
Other (specify):	$ 0.00	$ 0.00
Total monthly expenses:	**$ 2,100.00**	$ 0.00

Rent: real estate taxes included? ☐ Yes ☒ No Property insurance included? ☐ Yes ☒ No

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? approximately $45,000 in total: approximately $20,000 to Simon Aziz Budhwani, Esq. (2024) and approximately $25,000 to Nelson Kirkman (2026), all for the Superior Court proceedings before this petition

If yes, state the attorney's name, address, and telephone number: Simon Aziz Budhwani, Esq., 1 City Blvd. West, Suite 1450, Orange, CA 92868, (949) 505-2479; Nelson Kirkman, 4100 Newport Place, Suite 250, Newport Beach, CA 92660, (949) 760-8888.

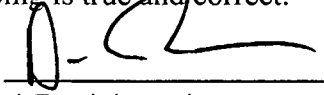
Explanation: the amounts above were paid to retained counsel in the Superior Court proceedings in this case before this petition; Petitioner is no longer represented. No attorney has been paid, or will be paid, any money for services in connection with this petition or the completion of this form.

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

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

I have been unemployed since April 2026 and have received no unemployment benefits. I have no cash, no bank accounts, no vehicle, no real property, and no business interests. My rent, utilities, food, and an IRS installment payment are being paid by family members. I support two minor sons. Three California courts have found me unable to pay fees in this matter within the past eleven months: the Superior Court granted a fee waiver on November 3, 2025; the Court of Appeal granted a fee waiver on May 18, 2026; and the Supreme Court of California granted my application to proceed in forma pauperis on June 2, 2026.

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

Executed on: 10/6/26; 2026 

(Signature) Daniel Mackey