

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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SAI,  
*Petitioner,*

v.

UNITED STATES POSTAL SERVICE,  
*Respondent.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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## **QUESTION PRESENTED**

Whether the general right of public access to judicial documents creates a presumption that indigent litigant affidavits that contain historically protected private financial information are not sealable or reviewable *ex parte*?

**PARTIES TO THE PROCEEDINGS**

The Petitioner in this case is Sai, an individual.<sup>1</sup> Petitioner was the plaintiff and appellant below.

The Respondent is the United States Postal Service, which was defendant and appellee below.

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<sup>1</sup> “Sai” is Petitioner’s full legal name.

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## PETITION FOR A WRIT OF CERTIORARI

This case involves indigent litigants' privacy interest in the highly sensitive, personal financial information our judicial system requires them to submit in order to vindicate their rights in court. Despite the traditionally private nature of personal financial information, and other Circuits' contrary rulings, the D.C. Circuit requires indigent plaintiffs to jettison their right to privacy and open themselves up to identity theft and costly internet schemes in order to access the courts, generating intractable tension among lower courts.

The United States Court of Appeals for the District of Columbia Circuit denied Sai's request to file a personal financial affidavit under seal based on a theory that the affidavit was a "judicial document" subject to the First Amendment right of public access. In doing so, the D.C. Circuit's opinion highlighted a division among four circuits regarding the public's right of access to purely ministerial court affidavits containing historically private financial information.

The conflict is of exceptional importance. The privacy interest inherent in the type of information the judicial system requires to establish indigence for *in forma pauperis* status or Criminal Justice Act funding has generated a decade of inconsistent precedent from lower courts. This confusion implicates the members of society most in need of clarity of law and access to redress—the indigent. Requiring the full public disclosure of indigents' sensitive financial information subverts the goals of the *in forma pauperis* statute and the Criminal Justice Act: namely, to provide equal access

to courts and representation for indigent parties. Forcing those who cannot afford filing fees and counsel to sacrifice their privacy interests in order to present their cause to a court unfairly forces the indigent to sacrifice one right to vindicate another, defeating the objectives and goals of the *in forma pauperis* statute and the CJA.

Accordingly, Sai respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the District of Columbia Circuit. This Court can, and should, protect the privacy interests of indigent litigants by barring the compelled disclosure of sensitive financial affidavits in the name of an overstated public right to access such information, unless a movant establishes an overriding interest in that private information, and the court applies controls to protect the parties who have placed their sensitive information with the court.

### **OPINIONS BELOW**

The opinion of the D.C. Circuit is currently unreported, and is reproduced at page 1a of the appendix to this petition (“App.”). Sai appealed to the D.C. Circuit upon a final administrative decision rendered to Sai by the United States Postal Service in connection with a request for information under the Freedom of Information Act. The letter, which denied Sai’s administrative request for a public interest fee waiver, is reproduced at page 4a of the appendix to this petition.

### **JURISDICTION**

The opinion and order of the D.C. Circuit denying Sai’s motion for leave to file under seal and ex parte the affidavit in support of the motion for

leave to proceed *in forma pauperis* and the motion for appointment of an attorney was entered on May 13, 2014. App. 1a. Sai filed an application to extend the time to file a petition for a writ of certiorari on July 14, 2014. See Docket No. 14A70. The Chief Justice granted the application, extending the time to file until November 20, 2014. *Id.* The D.C. Circuit dismissed Sai’s appeal on September 8, 2014. App. 12a. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

### STATUTORY PROVISIONS INVOLVED

The text of the relevant statutes is set forth in the appendix to this petition. App. 14a and 16a.

### STATEMENT OF THE CASE

**Statutory Background:** Congress adopted 28 U.S.C. § 1915 (the “*in forma pauperis* statute”) in 1892.<sup>2</sup> In establishing indigents’ ability to pursue justice in the court system *in forma pauperis*, Congress questioned how “the Government [could] allow its courts to be practically closed to its own citizens, who are conceded to have valid and just rights, because they happen to be without the money to advance pay to the tribunals of justice[.]” H.R. Rep. No. 1079, 52d Cong., 1st Sess. 2 (1892). Congress tailored the *in forma pauperis* statute out of “[c]oncern that inability to pay fees and costs barred poor litigants from the federal

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<sup>2</sup> The *in forma pauperis* statute refers to an affidavit “that includes a statement of all assets such prisoner possesses,” 28 U.S.C. § 1915(a)(1), however, the Sixth Circuit has held that this is a typographical error, and Congress intended the provision to require an affidavit “that include[s] a ‘statement of all assets’ that the person possesses,” *Floyd v. United States Postal Service*, 105 F.3d 274, 277 (6th Cir. 1997).

courts.” E. Elizabeth Summers, *Proceeding in Forma Pauperis in Federal Court: Can Corporations Be Poor Persons?*, 62 Cal. L. Rev. 219, 219 (1974).

Today, the *in forma pauperis* statute provides a full range of judicial services to the poor despite their inability to pay filing costs. See 28 U.S.C. § 1915(a)(1). In order to qualify for *in forma pauperis* status, indigent persons are required to apply to the court from which they seek to pursue or defend against a claim. *Id.* Each application must include a short statement explaining the indigent person’s claim, as well as a financial affidavit listing all of the litigant’s (and the litigant’s spouse’s) personal assets. *Id.*; see also App. 22a (sample IFP affidavit form).

The Criminal Justice Act of 1964 (the “CJA”) similarly provides funds for paying litigation costs for indigent criminal defendants, including attorney fees and expert costs. See 18 U.S.C. § 3006A. “[T]he purpose of the [a]ct, confirmed by its legislative history, is clearly to redress the imbalance in the criminal process when the resources of the United States Government are pitted against an indigent defendant.” *United States v. Durant*, 545 F.2d 823, 827 (2d Cir. 1976). Like indigent civil plaintiffs filing for IFP status under the *in forma pauperis* statute, criminal defendants applying for funds usually must fill out a form listing their financial holdings, including assets, bank account balances, and other such information. *United States v. Sarsoun*, 834 F.2d 1358, 1363 (7th Cir. 1987); 18 U.S.C. § 3006A(d)(7).

**Factual Background:** Sai is an advocate working toward transparency in government as well as privacy in individual affairs. Sai attempts to

improve governmental agencies' efforts to become more transparent to the general public and better respect individuals' privacy interests. He is also a frequent speaker on topics such as systematic governmental reform. Sai's underlying suit against the United States Postal Service ("USPS") concerns USPS's denial of a fee waiver in connection with a Freedom of Information Act ("FOIA") request in relation to a proposal made by Sai to enhance USPS's privacy-related services. App. 4-8a. The USPS denied Sai's request for a public interest fee waiver, claiming that there was no public interest in the information Sai sought, and entered its final administrative decision on December 12, 2013. App. 4a.

On January 7, 2014, Sai filed a timely *pro se* appeal in the D.C. Circuit. See Pl.'s Mot. to File *In Forma Pauperis* (filed Jan. 7, 2014). Sai moved for leave to file a motion to proceed *in forma pauperis*. *Id.* Before filing his IFP motion, however, Sai filed an additional motion to the Court of Appeals to (1) consider his financial information *ex parte* in determining whether to grant Sai IFP status, and (2) to keep the financial information that he would reveal to the court under seal. Pl.'s Supp. Mot. to File *In Forma Pauperis* (filed Mar. 7, 2014), 1.

Sai indicated that he was willing to supply the required IFP financial affidavit, but only if the court would place the affidavit under seal. *Id.* at 1. He argued that the failure to place his financial affidavit under seal "would disclose facts that are private, of no public interest, and of no relevance to [the USPS]; it would [also] in effect require [Sai] to choose between exercising [his] rights to privacy, [his] rights under § 1915, and excessive [court] costs." *Id.* at 2-3.

The D.C. Circuit denied Sai's motion to seal and for *ex parte* review of his affidavit. App. 1-3a. According to the court, Sai's affidavit of personal assets and liabilities could not be sealed because Sai "failed to demonstrate that filing under seal or *ex parte* is warranted." *Id.* at 2a. The court cited two cases invoking the public right of access to judicial documents. *Id.* Sai then filed a motion for reconsideration, which the Court also denied, and a petition for rehearing *en banc* that also was denied. App. 9-13a. Ultimately, the court dismissed Sai's case, and this Petition followed.

#### **REASONS FOR GRANTING THE WRIT**

##### **I. THE CIRCUITS ARE DIVIDED ON WHETHER FINANCIAL AFFIDAVITS ARE ENTITLED TO BE FILED UNDER SEAL AND CONSIDERED *EX PARTE*.**

The D.C. Circuit's decision needlessly jettisons indigent citizens' privacy interests in historically sensitive financial information without raising any valid countervailing public interest in doing so. The decision creates an unqualified public interest in litigants' financial information when the Ninth Circuit has ruled on the issue and held that the public has only a qualified interest in access to such documents, and the First Circuit has ruled that there is no general public interest at all in access to indigent litigants' detailed financial statements. Specifically, the circuit courts are divided as to whether indigent litigants must reveal personal and sensitive financial information to the public instead of having courts review this information privately, and keep it confidential.

In *In re Boston Herald, Inc.*, 321 F.3d 174, 176 (1st Cir. 2003), the First Circuit was the first circuit court to determine “whether there is a right of access to the narrow category of documents . . . submitted by a criminal defendant to show financial eligibility for CJA funds.” There, the court considered a challenge brought by a newspaper to the sealing of financial affidavits in a case involving a high-profile defendant. *Id.* at 175. The court noted that the CJA forms contained “only personal financial information” about the defendant and his family. *Id.* at 179.

The First Circuit recognized that “[b]oth the constitutional and the common law rights of access have applied only to judicial documents.” *Id.* at 180. And while the court stated that it believed the CJA forms “are not judicial documents,” *id.* at 181, the court went on to address whether there was a right of access to the documents under this Court’s decision in *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986). *Boston Herald*, 321 F.3d at 184-91. According to the court, there is no relevant tradition of public access to indigent litigants’ personal financial data, and public access to such documents would have a negative impact on the functioning of the CJA system. *Id.* at 189. The court was concerned with “the invasion of privacy inherent in disclosing this data,”—a concern “intensified because the information pertains not only to [the defendant], but also to his wife and children.” The court also was concerned about the deterrent effect such disclosures would have on defendants’ use of the CJA system. *Id.* at 188. In light of the invasiveness of the disclosure, and the effect on litigants’ access to courts, the court held that there

was no public right of access to the defendant's financial statement. *Id.* at 189.

The Ninth Circuit subsequently disagreed. Stating that “[t]he financial affidavits merely contained an unremarkable recitation of assets and liabilities,” the court ruled that there is a public right of access to the defendant's financial eligibility forms, and it was not outweighed by his right to a fair trial. *Seattle Times Co. v. U.S. Dist. Court for W. Dist. of Washington*, 845 F.2d 1513, 1517, 1519 (9th Cir. 1988). The Third Circuit has joined the Ninth, though it has offered some protection. The court does not allow public access to these affidavits that admittedly “contain sensitive information” on PACER. *Hart v. Tannery*, No. 11-2008, 2011 WL 10967635 at \*2 (3d Cir. June 28, 2011). The documents are “locked” and accessible only by parties. *Id.* Thus, “[i]f a member of the public wants to see the document, that person has to come into the courthouse.” *Id.*

Here, the D.C. Circuit erroneously ruled that the general right to public access to judicial documents—invoked by no one in this case—prevents Sai from submitting his private financial information under seal. App. 2-3a. Thus, it has joined the growing conflict among the circuit courts as to what level of public access to indigent litigants' private financial information is required by the First Amendment. The circuits diverge on the question of whether the affidavits are “ministerial” or “judicial” documents. They further diverge on the standard by which the documents may be disclosed if they are judicial documents. Thus, this Court's guidance is needed to settle the rights of indigent parties to keep their personal financial affairs private.

## II. THIS CASE PRESENTS A QUESTION OF EXCEPTION IMPORTANCE.

### A. Requiring Public Disclosure of Indigent Plaintiffs' Financial Eligibility Information Fundamentally Contradicts the Rationale for Providing Indigent Services.

“Personal financial information, such as one’s income or bank account balance is universally presumed to be private, not public.” *Boston Herald*, 321 F.3d at 190. And indigent parties’ financial affidavits “are administrative paperwork generated as part of a ministerial process ancillary to the trial.” *Id.* at 189. They are not judicial documents. As such, courts should presumptively seal this sensitive, private financial information, and should only allow public access to the documents on good cause shown, and with appropriate judicial controls to reveal only the information necessary to meet the needs of the person or entity requesting the information. Anything less unfairly pits indigent parties’ privacy interests against the interest in fair and equal access to courts.

The D.C. Circuit’s holding unnecessarily requires indigent litigants to forego their privacy interests to secure access to the court system. This tension is entirely antithetical to the structural goals and policy underlying the judicial system’s efforts to fairly accommodate indigent litigants. The American federal court system assures indigent citizens the right to access the courts in both criminal and civil cases to ensure that “to the greatest degree possible, within the statutory framework for appeals created by Congress, [there will be] equal treatment for every litigant before the bar.” *Coppedge v. United*

*States*, 369 U.S. 438, 446-47 (1962); *see also Greaser v. State of Mo., Dep't of Corrections*, 145 F.3d 979, 985 (8th Cir.1998) (explaining that the purpose of statutes like the IFP and CJA statutes help ensure “that indigent persons will have equal access to the judicial system.”). Congress has provided two avenues for indigent citizens to access the federal court system: petitioning for legal funds under the Criminal Justice Act for criminal cases (18 U.S.C. § 3006A) and petitioning for *in forma pauperis* (“IFP”) status in civil cases under 28 U.S.C. § 1915.

These programs provide support for thousands of indigent litigants filing in federal court. Indeed, over 6,000 litigants filed petitions on this Court’s *in forma pauperis* docket in the 2012 term alone. By contrast, only 1,504 were filed on this Court’s paid docket during the same term.<sup>3</sup> For an indigent litigant to demonstrate financial eligibility for IFP status or for CJA funding, the individual must file an affidavit containing litigants’ detailed, personal and historically private financial information. *See* 18 U.S.C. § 3006A(d)(7) (referencing criminal defendants’ use of the 28 U.S.C. § 1915(a) IFP financial affidavit); *and* 28 U.S.C. § 1915(a) (requiring an IFP applicant to “submit[] an affidavit that includes a statement of *all assets such [person] possesses* that the person is unable to pay such fees or give security therefor.”) (emphasis added). The form varies from court to court, but it necessarily

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<sup>3</sup> *See* JOHN G. ROBERTS, JR., 2013 YEAR-END REPORT ON THE FEDERAL JUDICIARY 12 (Dec. 31, 2013), *available at* <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx>.

requires disclosure of specific, private financial information of litigants and their spouses.<sup>4</sup>

In myriad contexts, courts have protected the kind of private, sensitive financial information that these financial affidavits contain. Such information, where it does not “promot[e] the public’s understanding of the judicial process and of significant public events” should be sealed upon a litigant’s request. *Valley Broad. Co. v. United States Dist. Ct.*, 798 F.2d 1289, 1294 (9th Cir. 1986). This follows from this Court’s treatment of so-called ministerial documents, where “the right to inspect and copy judicial records is not absolute. Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

The contexts in which releasing such information is “improper” are legion. In corporate litigation, for example, courts have been receptive to companies’ requests to seal detailed financial information because disclosure could “harm a litigant’s competitive standing.” *Id.*; see also *Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1226 (Fed. Cir. 2013) (“*Samsung Electronics*”) (noting that notwithstanding the “extraordinary amount of public interest” in the case, it “does not necessarily follow that the public has a legally cognizable interest in

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<sup>4</sup> See, e.g., United States District Court IFP affidavit, App. 34-39a, available at <http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO239.pdf>; United States District Court CJA affidavit, App. 39a, available at [http://www.ctd.uscourts.gov/sites/default/files/forms/37-%20cja23\\_financial\\_affidavit\\_fillable\\_form.pdf](http://www.ctd.uscourts.gov/sites/default/files/forms/37-%20cja23_financial_affidavit_fillable_form.pdf).

every document filed.”). In *Samsung Electronics*, the Federal Circuit noted that there was no “indication that [the parties’ confidential financial] information was essential to the district court’s rulings on any of the parties’ pre-trial motions.” *Samsung Electronics*, 727 F.3d at 1226. Indeed, the court held that, “[i]n light of all of these considerations, we conclude that the particular financial information at issue in these appeals is not necessary to the public’s understanding of the case, and that the public therefore has minimal interest in this information.” *Id.* When balancing the interests that each party has in the information against the public’s interest in accessing such information, it is evident that Apple’s and Samsung’s interests in keeping the information private greatly outweighed any public need as it related to the administration of justice.

Privacy protections excluding private financial information from having to be revealed are also provided for in the FOIA and Privacy Act contexts. *See* 5 U.S.C. § 552(b)(6) (explaining that government documents in general are broadly released except in certain situations, such as when such disclosure involves “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”). These FOIA exemptions explicitly consider names, addresses, and personal financial information that could be essential to the purpose of the FOIA request. *See, e.g., Wash. Post Co. v. Dep’t of Health and Human Servs.*, 690 F. 2d 252, 266-67 (1982) (explaining that private financial information contained within government forms that pertains to specific individuals’ financial status is exempt under FOIA); *Hill v. Dep’t of Agric.* 77 F. Supp. 2d 6, 9

(DDC 1999), *aff'd*, No. 99-5365, 2000 U.S. App. LEXIS 6966 (D.C. Cir. Mar. 7, 2000) (explaining that a FOIA request pertaining to loan documents prepared by the Farmers' Home Administration could not include information pertaining to a farmers' actual financial information).

Furthermore, the harm to privacy caused by making financial affidavits publicly accessible extends beyond the indigent plaintiff to their spouses, parents or guardians. This is because such financial affidavits require the disclosure of either marital employment and monthly income of a spouse in the case of married indigents, and/or the disclosure of monthly income of an indigent minor's parent(s) or guardian(s). App. 22a, 27a. Courts have traditionally ignored these third parties' equally valid privacy interests when they refuse to allow affidavits to be filed under seal, despite the longstanding mandate that "[t]he privacy interests of innocent third parties ... should weigh heavily in a court's [determination of whether to file a document under seal]." *Gardner v. Newsday, Inc.*, 895 F.2d 74, 79–80 (2d Cir. 1990).

The mischief that can, and will, arise from public access to these documents is broad and dangerous. Ready access to public court documents online through databases like PACER "have created a substantial risk of identity theft for those whose records are exposed to the public." Kristen M. Blankley, Note, *Are Public Records Too Public? Why Personally Identifying Information Should be Removed from Both Online and Print Versions of Court Documents*, 65 Ohio St. L.J. 413, 418 (2004). Cottage industries have emerged that use embarrassing public filings, such as arrest mug shots

from local police departments, to extort money from victims to take them off the Internet. According to ABC News, “[u]nder the blessings of open records laws, the[se] websites legally download the latest mug shots from police department websites, post the faces of the alleged lawbreakers online and then often charge the accused a fee—sometimes hundreds of dollars—to take the photos down.”<sup>5</sup> The risk of identity theft and extortion is arguably stronger with regard to sensitive financial information that is made publicly available by courts online. And it is only a matter of time until predators take advantage of this opportunity.

Sai does not question whether requiring an affidavit is appropriate—he only seeks to keep his sensitive financial details private by filing his affidavit *ex parte* and under seal. In light of the many evils that could befall indigent litigants whose financial information is made widely available to the general public, courts should allow plaintiffs to file such financial affidavits under seal. Courts should do so because (1) requiring disclosure forces indigent plaintiffs to choose between privacy and access to courts; and (2) under this Court’s public access jurisprudence, no unqualified public right to access exists with regard to sensitive financial information

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<sup>5</sup> Steven Osunsami, *Shot Websites: Profiting off People in Booking Photos?*, ABC News (Mar. 7, 2013), <http://abcnews.go.com/Technology/mug-shot-websites-profiting-off-people-booking-photos/story?id=18669703>; *see also* MugShots.com, <http://www.mugshots.com> (last visited Nov. 4, 2014) (providing mug shots taken by local police departments linking individuals to alleged crimes, and requiring applicants to pay \$399 for each individual mug shot removal under “unpublish mugshot” tab).

under either the common law or the First Amendment.

**B. The Public's Has No Right to Access Financial Eligibility Affidavits.**

**1. Affidavits are Ministerial, Rather than Judicial Documents.**

Financial affidavits filed by indigent litigants to obtain court services and counsel are ministerial documents, not judicial ones. Financial affidavits do not play any role in the underlying litigation or controversy, and instead allow a litigant access to the federal courts. “[T]he court essentially acts in an administrative, not a judicial, capacity when approving voucher requests and related motions for trial assistance.” *United States v. Gonzales*, 150 F.3d 1246, 1255 (10th Cir. 1998). Indeed, “the strong weight to be accorded the public right of access to judicial documents was largely derived from the role those documents played in determining litigants’ substantive rights—conduct at the heart of Article III—and from the need for public monitoring of that conduct.” *United States v. Amodeo*, 71 F.3d 1044, 1049 (2d Cir. 1995). Thus, courts often have treated financial affidavits as ministerial, rather than judicial documents because “the vouchers and related information are not trial documents in any accepted sense of that term. They do not go to the guilt, innocence or punishment of a defendant. They are not evidence of the crime. They are entirely ancillary to the trial.” *Gonzales*, 150 F.3d at 1255.

This Court should hold that that no common law right of access attaches to financial affidavits because they are completely ancillary to an indigent litigant’s substantive arguments in underlying

litigation. Such ancillary matters do not presume a public right of access precisely because there is no unqualified public interest. Additionally, such matters are non-adversarial. Neither the public nor the opposing party in this case (the United States Postal Service) has any stake in knowing petitioner's individualized personal financial information such as his income, the extent of petitioner's assets, or other assets held in real estate or financial instruments. The public also has no unabridged right to know the extent of petitioner's debts. In requiring Sai to reveal this information to the public, the District of Columbia Circuit ordered that petitioner's financial affidavit be exposed to the public for no reason relating to the litigation despite the fact that financial information is "universally presumed to be private" in nature. *In re Boston Herald, Inc.*, 321 F.3d 174, 190 (1st Cir. 2003).

**2. This Court Should at Least Rule That the Public's First Amendment Right of Access is a Qualified Right Under *Press-Enterprises*.**

Even if there were a public right of access to an indigent litigant's financial information, it would be a qualified right. Circuit courts considering whether a public right of access attaches to judicial documents apply the test articulated by this Court in *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986). In *Press-Enterprises*, this Court held that right of access cases involved two considerations. *Id.* "First, because a 'tradition of accessibility implies the favorable judgment of experiences,' [the Court has] considered whether the place and process have historically been open to the press and general public." *Id.* at 8. "Second, in this setting the Court

has [also] traditionally considered whether public access plays a significant positive role in the functioning of the particular process in question.” *Id.* at 8 (internal quotations and citations omitted). These two complementary considerations have been referred to as the “experience” and “logic” tests, respectively.

The D.C. Circuit nevertheless failed to apply this test below. App. 1-3a. Under the “experience” and “logic” tests, the information contained in financial affidavits is clearly traditionally considered private, and logic does not support litigants to publically disclose their personal financial information. *See In re Boston Herald, Inc.*, 321 F.3d 174, 190 (1st Cir. 2003); *United States v. Gonzales*, 150 F.3d 1246, 1255 (10th Cir. 1998). Thus, the Court should step in and clarify the public accessibility—or lack thereof—of these financial affidavits.

### CONCLUSION

For the foregoing reasons, the petition should be granted, the judgment below should be reversed, and the case should be remanded for further proceedings.

Respectfully submitted,

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WILLIAM & MARY LAW  
SCHOOL APPELLATE AND  
SUPREME COURT CLINIC  
P.O. Box 8795  
Williamsburg, VA 23187  
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TILLMAN J. BRECKENRIDGE\*  
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\*Counsel of Record

*Counsel for Petitioner*

## **APPENDICES**

**APPENDIX A**

**UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT**

No. 14-1005

SAI,  
*Plaintiff-Appellant,*

v.

UNITED STATES POSTAL SERVICE,  
*Defendant-Appellee.*

Appeal from a Final Administrative Ruling of the  
United States Postal Service.  
FOIA Case No. 2014-FPRO-00057

Before: GRIFFITH, SRINIVASAN, and  
WILKINS, Circuit Judges.

Decided and Filed: May 13, 2014

**Per Curiam.**

**OPINION AND ORDER**

Upon consideration of the motion for leave to file a motion for leave to proceed in forma pauperis and for appointment of attorney ex parte and under seal and the supplement thereto; the motion for declaration and order to compel; the motion to dismiss, the opposition thereto, combined with a motion for leave to amend/transfer, the reply, the motion for leave to file a surreply, and the lodged surreply; the motion to supplement the record and the lodged supplement; the response to the motion

for a declaration and order to compel, the motion to supplement and the motion for leave to file a surreply; the reply to the opposition to the motion re: the record; the request for a waiver; and the motion to expedite and the opposition thereto, it is

ORDERED that the motion for leave to file under seal and ex parte the affidavit in support of the motion for leave to proceed in forma pauperis and the motion for appointment of an attorney be denied. Petitioner has failed to demonstrate that filing under seal or ex parte is warranted. See Johnson v. Greater Se. Cmty. Hosp. Corp., 951 F.2d 1268, 1277 (D.C. Cir. 1991) (emphasizing the “strong presumption in favor of public access to judicial proceedings”); see also In re: Schum, No. 13-1041 (May 31, 2013) (denying motion for leave to file under seal a motion for leave to proceed in forma pauperis). It is

FURTHER ORDERED that, within 30 days of the date of this order, petitioner either pay the filing fee or file, on the public docket, a motion for leave to proceed in forma pauperis and accompanying affidavit. Petitioner’s attention is called to this court’s Administrative Order Regarding Electronic Case Filing, ECF-9-Privacy Protection; Fed. R. App. P. 25(a)(5) (privacy protection is governed by Fed. R. Civ. P. 5.2); Fed. R. Civ. P. 5.2 (Privacy Protection for Filings Made with the Court). Failure to comply with this or any other order of the court will result in dismissal of this case for lack of prosecution. See D.C. Cir. Rule 38. It is

FURTHER ORDERED that the request for waiver be denied. It is

FURTHER ORDERED, on the court’s own motion, that consideration of the remaining motions

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be deferred pending further order of the court.

The Clerk is directed to send a copy of this order to petitioner both by certified mail, return receipt requested, and by first class mail.

**APPENDIX B**

Sai  
P.O. Box 401159  
San Francisco, CA 94110-1159

Re: Freedom of Information Act  
Appeal No. 14-023. FOIA Case No.  
2014-FPR0-00057

Dear Sai:

This responds to your November 25, 2013, email message that was directed to the Postal Service Records Office and David Belt of the General Counsel's Office.<sup>1</sup>

We interpret your message as an appeal of the Records Office's determination, regarding the above referenced Freedom of Information Act (FOIA) request, to deny your requests for expedited processing and a fee waiver.

**Expedited Processing**

Section 265.7(g)(1) of 39 Code of Federal Regulations sets out the applicable criteria for the agency's consideration of a request for expedited processing. Specifically, it states that the Postal Service shall grant a request for expedited processing "when the requester demonstrates compelling need." The regulation provides that "compelling need" exists if:

---

<sup>1</sup> In the future, please direct any electronic correspondence regarding FOIA appeals to Mr. Derrick L. Myers (Derrick.L.Myers@usps.gov) of Federal Requirements, the section of the General Counsel's Office that is responsible for considering all administrative FOIA appeals.

- (1) Failure of the requester to obtain the requested records on an expedited basis “could reasonably be expected to pose an imminent threat to the life or physical safety of an individual”; or
- (2) There is “an urgency to inform the public concerning actual or alleged federal government activity” in instances where the requester is “primarily engaged in disseminating information.”

Moreover, Section 265.7(g)(2) provides that the requester must “provide information in sufficient detail to demonstrate compelling need” and certify the statement “to be true and correct to the best of the requester’s knowledge and belief.”

After careful review and consideration of your appeal, this Office has concluded that you have failed to provide sufficient information to demonstrate the requisite “compelling need” to warrant the granting of your request for expedited processing. Accordingly, this Office is upholding the decision of the Records Office in this matter.

#### **Fee Waiver**

Under the FOIA, the Postal Service may charge fees for costs associated with processing a FOIA request. The fees are calculated in accordance with regulations set out in 39 C.F.R. § 265.9. The requester is responsible for the payment of all fees related to processing the request. Postal Service regulations direct that “the most efficient and least costly method[]” shall be used “when complying with requests for records.” 39 C.F.R. § 265.9(a).

As noted in the Records Office's November 25, 2013, response to you, a "public interest" fee waiver is appropriate where the disclosure of requested records is likely to significantly contribute to the public understanding of the operations or activities of the Postal Service, and release of the records is not primarily in the commercial interest of the requester. See 5 U.S.C. §552(a)(4)(A)(i ii); 39 C.F.R. § 265.9(g)(3). Fee waivers are not proper where the requester seeks information to further a private interest. See Carney v. U.S. Dep't of Justice, 19 F.3d 807, 816 (2d Cir. 1994); McClain v. U.S. Dep't of Justice, 13 F.3d 220, 221 (5<sup>th</sup> Cir. 1993).

To determine whether disclosure of the requested information is in the public interest, this Office considers the following factors: (1) the relation of the records to the operations or activities of the Postal Service; (2) the informative value of the information to be disclosed; (3) any contribution to an understanding of the subject by the general public likely to result from disclosure; (4) the significance of that contribution to the public understanding of the subject; (5) the nature of the requester's personal interest, if any, in the requested disclosure; and (6) whether the disclosure would primarily be in the requester's commercial interest. See 39 C.F.R. § 265.9(g)(3)(i)-(vi). See also, Section 4-6.3, AS-353 Handbook, "Guide to Privacy, the Freedom of Information Act, and Records Management."

Requests for a fee waiver must: (1) be made with "reasonable specificity," Prison Legal News v. Lappin, 436 F. Supp. 2d 17, 26 (D.D.C. 2006); (2) be

considered on a case-by- case basis; and (3) should address both of the waiver requirements in sufficient detail for the agency to make an informed decision as to whether it can appropriately waive or reduce the fees in question. Media Access Project v. FCC, 883 F.2d 1063, 1065 (D.C. Cir. 1989). The requester bears the burden of establishing that he or she is entitled to a fee waiver. Friends of the Coast Fork v. U.S. Dep't of Interior, 110 F.3d 53, 55 (9th Cir. 1997); In Def. of Animals v. NIH, 543 F. Supp. 2d 83, 108 (D.D.C. 2008).

In the instant case, this Office has not been presented with sufficient evidence demonstrating that the release of the particular records you have requested would serve the public interest. Based on the statements you have submitted, it appears that the requested records would primarily be used within the limited context of an administrative hearing in which you have an interest. Accordingly, there is no basis to warrant a fee waiver. See Brunsilus v. DOE, No. 07-5362, 2008 U.S. App. LEXIS 15314, at \*2 (D.C. Cir. 2008) (per curiam) (emphasizing that “[a]ppellant’s indigence and his private litigation interest are not valid bases for waiving fees under FOIA”). Therefore, this Office upholds the Records Office’s decision to deny you a fee waiver.

### **Conclusion**

With respect to your expedited processing and fee waiver requests under the Freedom of Information Act, this is the final decision of the Postal Service. You may seek judicial review of this decision by bringing suit for that purpose in the United States District Court for the district in

which you reside or have your principal place of business, the district where the alleged records are located, or in the District of Columbia.

We also note that as an alternative to litigation, you may wish to utilize the services of the Office of Government Information Services (OGIS), National Archives and Records Administration. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-Free: 1-877-684-6448

For the General Counsel,

Christopher T. Klepac  
Chief Counsel  
Federal Requirements

APPENDIX C

UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-1005

SAI,  
*Plaintiff-Appellant,*  
v.

UNITED STATES POSTAL SERVICE,  
*Defendant-Appellee.*

Upon Motion for Reconsideration and Rehearing  
*En Banc.*

Before: GRIFFITH, SRINIVASAN, and  
WILKINS, Circuit Judges.

Decided and Filed: June 23, 2014

**Per Curiam.**

**OPINION AND ORDER**

Upon consideration of the motion for reconsideration or reconsideration en banc, which includes a motion for the appointment of counsel to brief the issues as to which reconsideration is sought; and the emergency motion for relief from paper filing, it is

**ORDERED** that the motion for appointment of counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED** that the motion for reconsideration be denied. Petitioner has not

demonstrated the requested relief is warranted. It is

**FURTHER ORDERED** that the emergency motion for relief from paper filing be denied. The court's order filed May 13, 2014 denied petitioner's motion for waiver of the requirement that he file paper copies of his pleadings, and petitioner has said nothing to call that decision into question. It is

**FURTHER ORDERED** that, within 30 days of the date of this order, petitioner either pay the filing fee or file, on the public docket, a motion for leave to proceed in forma pauperis and accompanying affidavit.

**APPENDIX D**

**UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT**

No. 14-1005

SAI,  
*Plaintiff-Appellant,*  
v.

UNITED STATES POSTAL SERVICE,  
*Defendant-Appellee.*

Upon Motion for Reconsideration and Rehearing  
*En Banc.*

Before: GARLAND, Chief Judge; and  
HENDERSON, ROGERS, TATEL,  
BROWN, GRIFFITH, KAVANAUGH,  
SRINIVASAN, MILLETT, PILLARD,  
and WILKINS, Circuit Judges

Decided and Filed: June 23, 2014

**Per Curiam.**

**OPINION AND ORDER**

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

**ORDERED** that the petition be denied.



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the mandate forthwith.

**Per Curiam**

FOR THE COURT:  
Mark J. Langer, clerk

BY: /s/  
Lynda M. Flippin  
Deputy Clerk/LD

**APPENDIX F**

**18 U.S. Code § 3006A - Adequate representation  
of defendants**

(a) Choice of Plan.— Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation in accordance with this section. Representation under each plan shall include counsel and investigative, expert, and other services necessary for adequate representation. Each plan shall provide the following:

(1) Representation shall be provided for any financially eligible person who—

(A) is charged with a felony or a Class A misdemeanor;

(B) is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of this title;

(C) is charged with a violation of probation;

(D) is under arrest, when such representation is required by law;

(E) is charged with a violation of supervised release or faces modification, reduction, or

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enlargement of a condition, or extension or revocation of a term of supervised release;

(F) is subject to a mental condition hearing under chapter 313 of this title;

(G) is in custody as a material witness;

(H) is entitled to appointment of counsel under the sixth amendment to the Constitution;

(I) faces loss of liberty in a case, and Federal law requires the appointment of counsel; or

(J) is entitled to the appointment of counsel under section 4109 of this title.

(2) Whenever the United States magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who—

(A) is charged with a Class B or C misdemeanor, or an infraction for which a sentence to confinement is authorized; or

(B) is seeking relief under section 2241, 2254, or 2255 of title 28.

(3) Private attorneys shall be appointed in a

substantial proportion of the cases. Each plan may include, in addition to the provisions for private attorneys, either of the following or both:

(A) Attorneys furnished by a bar association or a legal aid agency;

(B) Attorneys furnished by a defender organization established in accordance with the provisions of subsection (g).

...

(b) Payment for Representation.—

...

(7) Proceedings Before Appellate Courts.— If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915 (a) of title 28. ...

**28 U.S. Code § 1915 – *In forma pauperis* filing procedures**

(a)

(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or

criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

- (2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.
  - (3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.
- (b)
- (1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and,

when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

- (A) the average monthly deposits to the prisoner's account; or
  - (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.
- (2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.
- (3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.
- (4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial

filing fee.

- (c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.
- (d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.
- (e)
  - (1) The court may request an attorney to represent any person unable to afford

counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A) the allegation of poverty is untrue; or

(B) the action or appeal—

i. is frivolous or malicious;

ii. fails to state a claim on which relief may be granted; or

iii. seeks monetary relief against a defendant who is immune from such relief.

(f)

(1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.

(2)

(A) If the judgment against a prisoner includes the payment of costs under

this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

(h) As used in this section, the term “prisoner” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

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APPENDIX G

UNITED STATES DISTRICT COURT

for the

Plaintiff/Petitioner v. Defendant/Respondent Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

Affidavit in Support of the Application Instructions I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims. Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number. Signed: Date:

- 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.

Table with 4 columns: Income source, Average monthly income amount during the past 12 months (You, Spouse), Income amount expected next month (You, Spouse). Rows include Employment, Self-employment, Income from real property, Interest and dividends, Gifts, Alimony, Child support.

AO 239 (Rev. 12/13) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

2. List your 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
			\$
			\$

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
			\$
			\$
			\$

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.

Financial institution	Type of account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

AO 239 (Rev. 12/13) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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

Assets owned by you or your spouse	
Home (Value)	\$
Other real estate (Value)	\$
Motor vehicle #1 (Value)	\$
Make and year:	
Model:	
Registration #:	
Motor vehicle #2 (Value)	\$
Make and year:	
Model:	
Registration #:	
Other assets (Value)	\$
Other assets (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
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age

AO 239 (Rev. 12/13) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment <i>(including lot rented for mobile home)</i> Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Utilities <i>(electricity, heating fuel, water, sewer, and telephone)</i>	\$	\$
Home maintenance <i>(repairs and upkeep)</i>	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation <i>(not including motor vehicle payments)</i>	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance <i>(not deducted from wages or included in mortgage payments)</i>		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes <i>(not deducted from wages or included in mortgage payments) (specify):</i>	\$	\$
Installment payments		
Motor vehicle:	\$	\$
Credit card <i>(name):</i>	\$	\$
Department store <i>(name):</i>	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$

AO 239 (Rev. 12/13) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Regular expenses for operation of business, profession, or farm <i>(attach detailed statement)</i>	\$	\$
Other <i>(specify):</i>	\$	\$
<b>Total monthly expenses:</b>	\$	\$
	<b>0.00</b>	<b>0.00</b>

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 spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit?    Yes    No  
If yes, how much? \$ \_\_\_\_\_
11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.
12. Identify the city and state of your legal residence.

Your daytime phone number: \_\_\_\_\_  
Your age: \_\_\_\_\_ Your years of schooling: \_\_\_\_\_  
Last four digits of your social-security number: \_\_\_\_\_

Print
Save As...
Add Attachment
Reset

CJA 23  
(Rev. 11/11)

## FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES  DISTRICT COURT  COURT OF APPEALS  OTHER (Specify below)

IN THE CASE OF \_\_\_\_\_ v. \_\_\_\_\_

FOR \_\_\_\_\_

AT \_\_\_\_\_

PERSON REPRESENTED (Show your full name) \_\_\_\_\_

CHARGE/OFFENSE (describe if applicable & check box →)  Felony  Misdemeanor

1  Defendant - Adult  
 2  Defendant - Juvenile  
 3  Appellant  
 4  Probation Violator  
 5  Supervised Release Violator  
 5  Habeas Petitioner  
 7  2255 Petitioner  
 8  Material Witness  
 9  Other (Specify) \_\_\_\_\_

LOCATION NUMBER \_\_\_\_\_

DOCKET NUMBERS  
 Magistrate Judge \_\_\_\_\_  
 District Court \_\_\_\_\_  
 Court of Appeals \_\_\_\_\_

**ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**

<b>EMPLOYMENT</b>	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed		
	Name and address of employer: _____ IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____		
<b>INCOME &amp; ASSETS</b>	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	IF YES, give the amount received and identify the sources	RECEIVED	SOURCES
<b>CASH</b>	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, total amount? \$ _____	
	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No	VALUE	DESCRIPTION
<b>PROPERTY</b>	IF YES, give value and description for each	\$ _____	_____
		\$ _____	_____
<b>OBLIGATIONS &amp; DEBTS</b>	DEPENDENTS	MARRITAL STATUS	List persons you actually support and your relationship to them
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	Single Married Widowed Separated or Divorced	Total No. of Dependents _____ _____ _____ _____
	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

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

\_\_\_\_\_  
SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

\_\_\_\_\_  
Date