



UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT

In re: David A. Schum

13-1041

**MOTION FOR LEAVE TO FILE PETITION FOR MANDAMUS IN FORMA PAUPERIS  
AND TO SEAL MOTION AND AFFIDAVIT**

I, David Alan Schum, declare that I am the petitioner in the above-entitled proceeding. In support of this motion to proceed with the Writ of Mandamus without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefor. My affidavit is attached.

I believe I am entitled to relief. The issues that I desire to present are as follows:

Petition for Writ of Mandamus to compel the FCC to set a hearing on an application for license transfer that was originated over eight years ago.

Furthermore, I seek leave from this court to seal this Motion and the accompanying affidavit for the sake of personal privacy for myself and my children.

Respectfully submitted,

By: 

DAVID SCHUM. Pro Se  
5051 Les Chateaux Blvd., #139  
Dallas, Texas 75235  
469-206-6700

UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

In re: David A. Schum

USCA No. 13-1041

v.

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

**AFFIDAVIT ACCOMPANYING MOTION FOR  
PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

**Instructions**

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 in 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: February 21, 2013

My issues on appeal are: Petition for Writ of Mandamus to compel the FCC to set a hearing on an application for license transfer that was originated eight years ago.

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	\$ 0.00	NA	\$ 0.00	
Self-employment	\$ 120.00		\$ 50.00	
	You	Spouse	You	Spouse
Income from real property (such as rental income)	\$ 0.00			
Interest and dividends	\$ 0.00			
Gifts	\$ 0.00			
Alimony	\$ 0.00			
Child support	\$ 0.00			
Retirement (such as social security, pensions, annuities, insurance)	\$1,144.00		\$1,164.00	
Disability (such as social security, insurance payments)	\$ 0.00			
Unemployment payments	\$ 0.00			
Public-assistance (such as welfare)	\$ 92.00		\$ 84.00	
Other (specify): _____				
<b>Total monthly income:</b>	<b>\$1,356.00</b>		<b>\$1,298.00</b>	

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
self			120

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			

4. How much cash do you and your spouse have? \$ 35.00

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
First Convenience Bank	checking	\$ 255.56	
Bank of Texas	checking	\$ 28.43	

**If you are a prisoner, seeking to appeal a judgment in a civil action or proceeding, 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.**

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

Home (Value)	Other real estate(Value)	Motor Vehicle #1	\$ 0.00	NA (Value)
\$ 0.00 NA		Make & Year:		
		Model:		
		Registration #:		
Motor Vehicle #2	\$ 0.00	Other Assets (Value)		Other Assets (Value)
Make & Year:				
Model:				
Registration #:				

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>N/A</u>	<u>\$ 0.00</u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

7. State every person, business, or organization to whom you or your spouse owes money, the nature of the indebtedness, and the amount owed.

Person to whom you or your spouse owe money	Nature of indebtedness (e.g., mortgage, credit card)	Amount owed	
		by you	by spouse
<u>D.B. Zwirn Hedge Fund</u>	<u>Personal judgment</u>	<u>3,500,000</u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

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

Name [or, if under 18, initials only]	Relationship	Age
<u>JAS</u>	<u>Daughter</u>	<u>13</u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

9. 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	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<u>\$1,100.00</u>	<u>N/A</u>
Are real-estate taxes included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is property insurance included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	You	Spouse
Utilities (electricity, heating fuel, water, sewer, and telephone)	<u>\$ 125.00</u>	<u>                    </u>
Home maintenance (repairs and upkeep)	<u>                    </u>	<u>                    </u>

	You	Spouse
Food	\$ 110.00	<u>N/A</u>
Clothing	\$ 0.00	_____
Laundry and dry-cleaning	\$ 8.00	_____
Medical and dental expenses	\$ 0.00	_____
Transportation (not including motor vehicle payments)	\$ 80.00	_____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	_____
Insurance (not deducted from wages or included in mortgage payments)	\$ 0.00	_____
Homeowner's or renter's	\$ 0.00	_____
Life	\$ 0.00	_____
Health	\$ 0.00	_____
Motor Vehicle	\$ 0.00	_____
Other: _____	\$ 0.00	_____
Taxes (not deducted from wages or included in mortgage payments)	\$ 0.00	_____
(specify) _____		
Installment payments	\$ 0.00	_____
Motor Vehicle	\$ 0.00	_____
Credit card (name): _____	\$ 0.00	_____
Department store	\$ 0.00	_____
(name): _____		
Other: _____	\$ 0.00	_____
Alimony, maintenance, and support paid to others	\$ 0.00	_____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	_____
Other(specify): _____	\$ 0.00	_____
Total monthly expenses:	\$ 198.00	_____

10. 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.

11. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. 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?

If yes, how much? \$ 0.00 \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

The hedge fund that loaned money to my radio company has a personal guarantee judgment against me which precluded me from going back to my former profession. I have been forced to live on early retirement from Social Security. Mandamus could change the financial situation.

14. State the city and state of your legal residence.

Dallas, Texas \_\_\_\_\_

Your daytime phone number: ( 469 ) 206-6700

Your age: 62 Your years of schooling: 18

Last four digits of your social-security number: 5068

David A. Schum

USCA Form 31

Page 6, question 10

The issue of the writ of mandamus would ultimately restore my radio licenses which would change my monthly income and assets for the better. It would also allow for the removal of the personal guarantee judgment that is against me.