

06-2130

IN THE COURT OHIO SUPREME COURT

STATE EX REL ANDRE YEAGER

OHIO SUPREME COURT NO.

432928 P.O. Box 788

Mansfield, Ohio 44901

ORIGINAL ACTION IN MANDAMUS-PROHIBITION

Relator,

MOTION TO PROCEED IN FORMA

v.

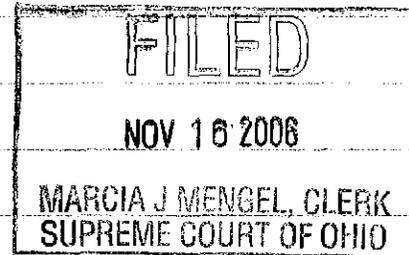
PAUPERIS AND WAIVE FILING REQUIREMENTS

Presiding JUDGE LYNN SLABY,

JUDGE BETH WHITMORE,

JUDGE DONNA CARR.

Respondents



ANDRE YEAGER, hereby moves this Court for an Order allowing him to proceed with this ORIGINAL ACTION IN MANDAMUS-PROHIBITION in forma pauperis. The grounds in support of this motion are that ANDRE YEAGER is incapable of providing the Court with the necessary cost, copies, and filing fees. In support of his motion ANDRE YEAGER has attached here to an affidavit of his account from the institutional cashiers office and failure to grant will be an miscarriage of justice and complete denial of access to the Court. [See, attached Exhibit A] Based upon the foregoing, MR. YEAGER, respectfully requests that this Court grant his motion and permit him to proceed in forma pauperis.

Respectfully Submitted.

Andre Yeager 432928

P.O. Box 788

Mansfield, Ohio 44901

PROOF OF SERVICE

I here by certify that a copy of the foregoing has been mailed by regular U.S. Mail this 14 day of November, 2006 to the Ohio Supreme Court Clerk, 65 South Front Columbus, Ohio.

Andie Upage
Relator.

Ohio Department of Rehabilitation and Correction

SECTION I - To be completed by cashier prior to this form being presented

To the inmate for completion of SECTION II - Affidavit of Indigency.

I, Cris Wash, cashier at the Marion
Certify that the following is a true and accurate reflection of the status of the account maintained at this institution for the benefit of:

Inmate Name: <u>Yeager</u>	Inmate Number: <u>432-928</u>
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The Prison Litigation Reform Act (PLRA) requires that the time period to be considered is the preceeding six months. It also requires that, "...if financial activity is less than six months due to less than six months of incarceration, then note this fact on the statement. If lack of history is due to recent transfer, then obtain missing month-end reports from sending cashier to complete the six month period. The sending cashier must similarly certify the monthend reports."

The time period being reported below is: Six months Fewer than six months, beginning _____

The time period is fewer than six months, because: Period of Incarceration Transfer

Account Balance as of 11/1/06 \$.18

Total state pay credited for the report period; \$ 70.00

Average Monthly state pay for the report period; \$ 17.50

Total funds received from all sources, excluding state pay, for the report period; \$ 148.00

Total amount spent in inmate's commissary during the same period; \$ 206.07

Signature of Cashier: <u>Cris Wash (cr)</u>	Date: <u>11/1/06</u>
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AFFIDAVIT OF INDIGENCY

SECTION II - To be completed by inmate after cashier's statement is completed.

I, Andrie Yeager 432928, being first duly sworn says that he does not have sufficient funds to pay the filing fee and other costs of processing this action and submit the cashier's statement (Section I) in support of said allegation of indigency.

I hereby represent that the Information set forth in the cashier's statement concerning my financial condition is true and complete to the best of my knowledge and belief.

Signature of Inmate: <u>Andrie Yeager</u>	Inmate Number: <u>432928</u>
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Sworn to and subscribed to me in my presence this 6th day of Nov, 2006



MARY MINER
Notary Public, State of Ohio
My Commission Expires
Oct. 23, 2007

Notary Public: <u>Mary Miner</u>

IN THE SUPREME COURT OF OHIO

AFFIDAVIT OF INDIGENCY

I, Andre.. Yeager , your affiant, after being duly cautioned and sworn upon my oath under both pain and penalty of perjury, do hereby state that I am without the necessary funds to pay for the costs of this action for the following reasons:

1.) I have no means of financial support other than state pay of \$18.00 a month and after purchasing hygiene products and any medical care that I am lowered to the level of "indigent person" status as defined by O.R.C. § 120.51(B).

2.) That my income is not greater than one hundred twenty-five percent of the current poverty level threshold established by the United States Office of Management and Budget.

3.) That I have no assets and property of any value.

4.) That I am incarcerated at the Mansfield Correctional Institution.

Pursuant to Rule VIII, Section 5 and Rule XV, Section 3, of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fees, cost of additional copies and security deposit, if applicable, be waived due to aforesaid circumstances.

FURTHER AFFIANT SAYETH NAUGHT:

Andre Yeager 432928
Andre Yeager -Affiant

Sworn to before me, or affirmed in my presence, a duly authorized notary for the State of Ohio, at the Mansfield Correctional Institution in the City of Mansfield, in the County of Richland, in the State of Ohio on this 13 day of Oct , 200 .

Mary Miner
NOTARY PUBLIC

OFFICIAL SEAL



MARY MINER
Notary Public, State of Ohio
My Commission Expires
Oct. 23, 2007