

FILED

OCT 14 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 81850

DAVID ALVAREZ VENTURA, }  
Appellant/Petitioner, }

v. }

JOHN GANSEY, ET AL., }  
Respondent. }

**MOTION FOR LEAVE TO PROCEED ON  
APPEAL IN FORMA PAUPERIS**

COMES NOW, Appellant/Petitioner, D. A. VENTURA, in propria persona, and in forma pauperis in the district court, and respectfully moves this Supreme Court of Nevada for an Order granting Appellant/Petitioner leave to proceed in the above-entitled appeal in forma pauperis, without requiring Appellant/Petitioner to pay or provide security for the payment of costs of prosecuting this appeal.

This motion is made and based upon the attached Notice of Appeal, Case Appeal Statement, and Affidavit in Support of Motion to Proceed on Appeal in Forma Pauperis.

Dated this 05 day of OCTOBER, 2020.

[Signature]  
Signature of Inmate

80079  
Prison Identification Number

HIDSP  
Prison

P.O. BOX 650

INDIAN SPRINGS, NV 89070  
Address

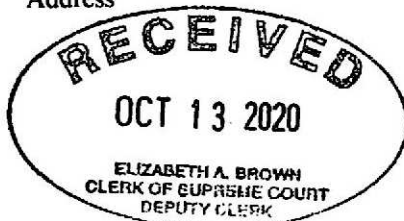
\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Nevada Bar Identification No.

\_\_\_\_\_  
Law Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number



20-37766

No. 81850

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

**IN THE SUPREME COURT OF THE  
STATE OF NEVADA**

STATE OF NEVADA,                     }  
   }  
   }  
   }  
   }  
D.A. VENTURA,                     }

**AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED  
ON APPEAL IN FORMA PAUPERIS**

State of Nevada                     }  
   }  
County of CLARK                     }

I, D.A. VENTURA being first duly sworn, depose and say that I am the APPELLANT in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? Yes \_\_\_\_\_ No X

a. If the answer is yes, state the amount of your salary or wages per month and give the name of your employer.

N/A  
EMPLOYER

N/A  
EMPLOYER

N/A  
Salary or Wage per month

N/A  
Salary or Wage per month

b. If the answer is no, state the date of your last employment and the amount of the salary or wages per month which you received.

INCARCERATED

Date of last Employment	Date of last Employment
<u>INCARCERATED</u>	<u>INCARCERATED</u>
Salary or Wage per month	Salary or Wage per month

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

Yes \_\_\_\_\_ No X

a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.

<u>N/A</u>	<u>N/A</u>
Source of Income	Source of Income
<u>N/A</u>	<u>N/A</u>
Amount Received (in the past year)	Amount Received (in the past year)

3. Do you own any cash or checking or savings account? Yes \_\_\_\_\_ No X

a. If the answer is yes, state the total value of the items owned.

<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Item	Item	Item
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total Value	Total Value	Total Value

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

a. If the answer is yes, describe the property and state its approximate value.

<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Property	Property	Property
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Approximate value	Approximate value	Approximate value

////

////

////

5. List the persons who are dependent upon you for support and state your relationship to those persons.

<u>N/A</u> Person	<u>N/A</u> Person	<u>N/A</u> Person
<u>N/A</u> Relationship	<u>N/A</u> Relationship	<u>N/A</u> Relationship

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.



SUBSCRIBED AND SWORN to before me this 05 day of OCTOBER, 2020

\_\_\_\_\_  
Notary Public

**EXECUTION OF INSTRUMENT BY PRISONER**

Pursuant to N.R.S. 208.165, I hereby declare under the penalty of perjury that the contents of the above are true and correct to the best of my knowledge.

  
Petitioner/Declarant

**ORDER**

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Supreme Court Justice

**CERTIFICATE OF SERVICE BY MAILING**

I, DAVID ALVAREZ VENTURA, hereby certify, pursuant to NRCP 5(b), that on this 5  
day of OCTOBER, 2020 I mailed a true and correct copy of the foregoing, "NOTION FOR  
TO PROCEED ON APPEAL I.F.P.  
LEAVE TO PROCEED ON APPEAL I.F.P. / AFFIDAVIT IN SUPPORT ON MOTION"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
2015 CARSON STREET  
SUITE 201  
CARSON CITY NV 89701

CC:FILE

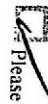
DATED: this 5 day of OCTOBER, 2020.

DAVID ALVAREZ VENTURA # 80079  
PLAINTIFF, /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

PLEASE EXECUTE A FINANCIAL CERTIFICATE FOR:

Inmate Name: DAVID ALVAREZ VENTURA  
Prison ID#: H.D.S.P. # 80079  
Date: 9-14-2020  
Housing# 11-B-25

Inmate Signature



☒ Please mail Financial Certificate to me upon return from Inmate Banking

OR

☐ Please schedule me an appointment to pick up my Financial Certificate upon return from Inmate Banking

SEP 16 2020  
DESERT STATE PRISON  
CANTON, AZ

RCOD LABANK\*20SEP22



## FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the court denies my *in forma pauperis* application;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$400.00 (which includes the \$350 filing fee and a \$50 administrative fee), which I must pay in full; and

(a) if my current account balance (line #1 below) is \$400.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$400.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have \$400.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement. The \$50 administrative fee will be waived only if I am granted permission to proceed *in forma pauperis*.

Type of action (check one): ☒ civil rights

☐ habeas corpus

DAVID ALVAREZ VENTURA  
INMATE NAME (printed)

[Signature] 80079  
SIGNATURE & PRISON NUMBER

1. CURRENT ACCOUNT BALANCE	<u>90.53</u>
2. AVERAGE MONTHLY BALANCE*	<u>17.97</u>
3. AVERAGE MONTHLY DEPOSITS*	<u>82.00</u>
4. FILING FEE (based on #1, #2 or #3, whichever is greater)	<u>18.11</u>

\* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a  
color other than black.)

23 September 2020  
DATE  
EUZABETH A. BROWN  
CLERK OF SUPERIOR COURT  
DEPUTY CLERK

[Signature]  
AUTHORIZED OFFICER  
AA3 1535  
TITLE



**Financial Certificates**  
**0080079 - ALVAREZ-VENTURA, DAVID**  
**(3/24/2020 - 9/23/2020)**

Date	Description	Deposit	Withdrawal	Balance
03/24/2020	Opening Balance			\$72.77
03/26/2020	Legal Copies		(\$1.50)	\$71.27
03/26/2020	Legal Copies		(\$1.90)	\$69.37
03/31/2020	Commissary		(\$66.93)	\$2.44
04/08/2020	Keefe	\$50.00		\$52.44
04/08/2020	Postage		(\$4.60)	\$47.84
04/17/2020	Commissary		(\$39.50)	\$8.34
04/24/2020	Commissary		(\$8.29)	\$0.05
05/31/2020	Keefe	\$150.00		\$150.05
05/31/2020	Legal Copies		(\$0.40)	\$149.65
05/31/2020	Postage		(\$21.20)	\$128.45
06/01/2020	Phone Credit		(\$10.00)	\$118.45
06/01/2020	Phone Credit		(\$10.00)	\$108.45
06/05/2020	Commissary		(\$69.72)	\$38.73
06/12/2020	Commissary		(\$33.88)	\$4.85
06/13/2020	Keefe	\$22.00		\$26.85
06/17/2020	Phone Credit		(\$6.00)	\$20.85
07/02/2020	Commissary		(\$19.41)	\$1.44
07/17/2020	Commissary		(\$1.35)	\$0.09
08/04/2020	Keefe	\$20.00		\$20.09
08/04/2020	Legal Copies		(\$1.20)	\$18.89
08/07/2020	Commissary		(\$18.71)	\$0.18
08/13/2020	Keefe	\$100.00		\$100.18
08/13/2020	Phone Credit		(\$10.00)	\$90.18
08/13/2020	Phone Credit		(\$10.00)	\$80.18
08/14/2020	Commissary		(\$29.39)	\$50.79
08/21/2020	Commissary		(\$37.13)	\$13.66
08/28/2020	Commissary		(\$13.63)	\$0.03
09/19/2020	Keefe	\$150.00		\$150.03
09/19/2020	Court Order Fine		(\$4.50)	\$145.53
09/19/2020	Savings		(\$15.00)	\$130.53
09/19/2020	Phone Credit		(\$10.00)	\$120.53
09/19/2020	Phone Credit		(\$10.00)	\$110.53
09/19/2020	Phone Credit		(\$10.00)	\$100.53
09/20/2020	Phone Credit		(\$10.00)	\$90.53
09/23/2020	Closing Balance			\$90.53

Date	Description	Deposit	Withdrawal	Balance
No Activity				
03/24/2020	Opening Balance			\$0.00
09/23/2020	Closing Balance			\$0.00

Date	Description	Deposit	Withdrawal	Balance
No Activity				



**Financial Certificates**  
**0080079 - ALVAREZ-VENTURA, DAVID**

**Trans**

Date	Description	Deposit	Withdrawal	Balance
03/24/2020	Opening Balance			\$0.00
09/23/2020	Closing Balance			\$0.00

**Savings**

Date	Description	Deposit	Withdrawal	Balance
03/24/2020	Opening Balance			\$400.00
09/19/2020	Savings	\$15.00		\$415.00
09/23/2020	Closing Balance			\$415.00



# Financial Certificates

## 0080079 - ALVAREZ-VENTURA, DAVID

Date	Daily Balance	Daily Deposit	Number Of Deposit
03/24/2020	\$72.77	\$0.00	0
03/25/2020	\$72.77	\$0.00	0
03/26/2020	\$69.37	\$0.00	0
03/27/2020	\$69.37	\$0.00	0
03/28/2020	\$69.37	\$0.00	0
03/29/2020	\$69.37	\$0.00	0
03/30/2020	\$69.37	\$0.00	0
03/31/2020	\$2.44	\$0.00	0
04/01/2020	\$2.44	\$0.00	0
04/02/2020	\$2.44	\$0.00	0
04/03/2020	\$2.44	\$0.00	0
04/04/2020	\$2.44	\$0.00	0
04/05/2020	\$2.44	\$0.00	0
04/06/2020	\$2.44	\$0.00	0
04/07/2020	\$2.44	\$0.00	0
04/08/2020	\$47.84	\$50.00	1
04/09/2020	\$47.84	\$0.00	0
04/10/2020	\$47.84	\$0.00	0
04/11/2020	\$47.84	\$0.00	0
04/12/2020	\$47.84	\$0.00	0
04/13/2020	\$47.84	\$0.00	0
04/14/2020	\$47.84	\$0.00	0
04/15/2020	\$47.84	\$0.00	0
04/16/2020	\$47.84	\$0.00	0
04/17/2020	\$8.34	\$0.00	0
04/18/2020	\$8.34	\$0.00	0
04/19/2020	\$8.34	\$0.00	0
04/20/2020	\$8.34	\$0.00	0
04/21/2020	\$8.34	\$0.00	0
04/22/2020	\$8.34	\$0.00	0
04/23/2020	\$8.34	\$0.00	0
04/24/2020	\$0.05	\$0.00	0
04/25/2020	\$0.05	\$0.00	0
04/26/2020	\$0.05	\$0.00	0
04/27/2020	\$0.05	\$0.00	0
04/28/2020	\$0.05	\$0.00	0
04/29/2020	\$0.05	\$0.00	0
04/30/2020	\$0.05	\$0.00	0
05/01/2020	\$0.05	\$0.00	0
05/02/2020	\$0.05	\$0.00	0
05/03/2020	\$0.05	\$0.00	0
05/04/2020	\$0.05	\$0.00	0
05/05/2020	\$0.05	\$0.00	0
05/06/2020	\$0.05	\$0.00	0
05/07/2020	\$0.05	\$0.00	0
05/08/2020	\$0.05	\$0.00	0
05/09/2020	\$0.05	\$0.00	0
05/10/2020	\$0.05	\$0.00	0
05/11/2020	\$0.05	\$0.00	0



# Financial Certificates

## 0080079 - ALVAREZ-VENTURA, DAVID

Date	Daily Balance	Daily Deposit	Number Of Deposit
05/12/2020	\$0.05	\$0.00	0
05/13/2020	\$0.05	\$0.00	0
05/14/2020	\$0.05	\$0.00	0
05/15/2020	\$0.05	\$0.00	0
05/16/2020	\$0.05	\$0.00	0
05/17/2020	\$0.05	\$0.00	0
05/18/2020	\$0.05	\$0.00	0
05/19/2020	\$0.05	\$0.00	0
05/20/2020	\$0.05	\$0.00	0
05/21/2020	\$0.05	\$0.00	0
05/22/2020	\$0.05	\$0.00	0
05/23/2020	\$0.05	\$0.00	0
05/24/2020	\$0.05	\$0.00	0
05/25/2020	\$0.05	\$0.00	0
05/26/2020	\$0.05	\$0.00	0
05/27/2020	\$0.05	\$0.00	0
05/28/2020	\$0.05	\$0.00	0
05/29/2020	\$0.05	\$0.00	0
05/30/2020	\$0.05	\$0.00	0
05/31/2020	\$128.45	\$150.00	1
06/01/2020	\$108.45	\$0.00	0
06/02/2020	\$108.45	\$0.00	0
06/03/2020	\$108.45	\$0.00	0
06/04/2020	\$108.45	\$0.00	0
06/05/2020	\$38.73	\$0.00	0
06/06/2020	\$38.73	\$0.00	0
06/07/2020	\$38.73	\$0.00	0
06/08/2020	\$38.73	\$0.00	0
06/09/2020	\$38.73	\$0.00	0
06/10/2020	\$38.73	\$0.00	0
06/11/2020	\$38.73	\$0.00	0
06/12/2020	\$4.85	\$0.00	0
06/13/2020	\$26.85	\$22.00	1
06/14/2020	\$26.85	\$0.00	0
06/15/2020	\$26.85	\$0.00	0
06/16/2020	\$26.85	\$0.00	0
06/17/2020	\$20.85	\$0.00	0
06/18/2020	\$20.85	\$0.00	0
06/19/2020	\$20.85	\$0.00	0
06/20/2020	\$20.85	\$0.00	0
06/21/2020	\$20.85	\$0.00	0
06/22/2020	\$20.85	\$0.00	0
06/23/2020	\$20.85	\$0.00	0
06/24/2020	\$20.85	\$0.00	0
06/25/2020	\$20.85	\$0.00	0
06/26/2020	\$20.85	\$0.00	0
06/27/2020	\$20.85	\$0.00	0
06/28/2020	\$20.85	\$0.00	0
06/29/2020	\$20.85	\$0.00	0



# Financial Certificates

## 0080079 - ALVAREZ-VENTURA, DAVID

Date	Daily Balance	Daily Deposit	Number Of Deposit
06/30/2020	\$20.85	\$0.00	0
07/01/2020	\$20.85	\$0.00	0
07/02/2020	\$1.44	\$0.00	0
07/03/2020	\$1.44	\$0.00	0
07/04/2020	\$1.44	\$0.00	0
07/05/2020	\$1.44	\$0.00	0
07/06/2020	\$1.44	\$0.00	0
07/07/2020	\$1.44	\$0.00	0
07/08/2020	\$1.44	\$0.00	0
07/09/2020	\$1.44	\$0.00	0
07/10/2020	\$1.44	\$0.00	0
07/11/2020	\$1.44	\$0.00	0
07/12/2020	\$1.44	\$0.00	0
07/13/2020	\$1.44	\$0.00	0
07/14/2020	\$1.44	\$0.00	0
07/15/2020	\$1.44	\$0.00	0
07/16/2020	\$1.44	\$0.00	0
07/17/2020	\$0.09	\$0.00	0
07/18/2020	\$0.09	\$0.00	0
07/19/2020	\$0.09	\$0.00	0
07/20/2020	\$0.09	\$0.00	0
07/21/2020	\$0.09	\$0.00	0
07/22/2020	\$0.09	\$0.00	0
07/23/2020	\$0.09	\$0.00	0
07/24/2020	\$0.09	\$0.00	0
07/25/2020	\$0.09	\$0.00	0
07/26/2020	\$0.09	\$0.00	0
07/27/2020	\$0.09	\$0.00	0
07/28/2020	\$0.09	\$0.00	0
07/29/2020	\$0.09	\$0.00	0
07/30/2020	\$0.09	\$0.00	0
07/31/2020	\$0.09	\$0.00	0
08/01/2020	\$0.09	\$0.00	0
08/02/2020	\$0.09	\$0.00	0
08/03/2020	\$0.09	\$0.00	0
08/04/2020	\$18.89	\$20.00	1
08/05/2020	\$18.89	\$0.00	0
08/06/2020	\$18.89	\$0.00	0
08/07/2020	\$0.18	\$0.00	0
08/08/2020	\$0.18	\$0.00	0
08/09/2020	\$0.18	\$0.00	0
08/10/2020	\$0.18	\$0.00	0
08/11/2020	\$0.18	\$0.00	0
08/12/2020	\$0.18	\$0.00	0
08/13/2020	\$80.18	\$100.00	1
08/14/2020	\$50.79	\$0.00	0
08/15/2020	\$50.79	\$0.00	0
08/16/2020	\$50.79	\$0.00	0
08/17/2020	\$50.79	\$0.00	0



# Financial Certificates

## 0080079 - ALVAREZ-VENTURA, DAVID

Date	Daily Balance	Daily Deposit	Number Of Deposit	
08/18/2020	\$50.79	\$0.00	0	
08/19/2020	\$50.79	\$0.00	0	
08/20/2020	\$50.79	\$0.00	0	
08/21/2020	\$13.66	\$0.00	0	
08/22/2020	\$13.66	\$0.00	0	
08/23/2020	\$13.66	\$0.00	0	
08/24/2020	\$13.66	\$0.00	0	
08/25/2020	\$13.66	\$0.00	0	
08/26/2020	\$13.66	\$0.00	0	
08/27/2020	\$13.66	\$0.00	0	
08/28/2020	\$0.03	\$0.00	0	
08/29/2020	\$0.03	\$0.00	0	
08/30/2020	\$0.03	\$0.00	0	
08/31/2020	\$0.03	\$0.00	0	
09/01/2020	\$0.03	\$0.00	0	
09/02/2020	\$0.03	\$0.00	0	
09/03/2020	\$0.03	\$0.00	0	
09/04/2020	\$0.03	\$0.00	0	
09/05/2020	\$0.03	\$0.00	0	
09/06/2020	\$0.03	\$0.00	0	
09/07/2020	\$0.03	\$0.00	0	
09/08/2020	\$0.03	\$0.00	0	
09/09/2020	\$0.03	\$0.00	0	
09/10/2020	\$0.03	\$0.00	0	
09/11/2020	\$0.03	\$0.00	0	
09/12/2020	\$0.03	\$0.00	0	
09/13/2020	\$0.03	\$0.00	0	
09/14/2020	\$0.03	\$0.00	0	
09/15/2020	\$0.03	\$0.00	0	
09/16/2020	\$0.03	\$0.00	0	
09/17/2020	\$0.03	\$0.00	0	
09/18/2020	\$0.03	\$0.00	0	
09/19/2020	\$100.53	\$150.00	1	
09/20/2020	\$90.53	\$0.00	0	
09/21/2020	\$90.53	\$0.00	0	
09/22/2020	\$90.53	\$0.00	0	
09/23/2020	\$90.53	\$0.00	0	
Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
03/24/2020	04/23/2020	\$1,000.85	31	\$32.29
04/24/2020	05/23/2020	\$1.50	30	\$0.05
05/24/2020	06/23/2020	\$1,091.91	31	\$35.22
06/24/2020	07/23/2020	\$189.03	30	\$6.30
07/24/2020	08/23/2020	\$535.43	31	\$17.27
08/24/2020	09/23/2020	\$517.95	31	\$16.71
Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
03/24/2020	04/23/2020	\$50.00	1	\$50.00
05/24/2020	06/23/2020	\$172.00	2	\$86.00
07/24/2020	08/23/2020	\$120.00	2	\$60.00