

CA No. 09-50394
D.C. No. CR 08-461 - JFW

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.)
)
ZHI YONG GUO)
)
Defendant.)
)
)
)

MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
Honorable John F. Walter, District Court Judge

FAY ARFA, A LAW CORPORATION
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ATTORNEY FOR APPELLANT
Zhi Yong Guo

CA No. 09-50394
D.C. No. CR 08-461 - JFW

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA Plaintiff, v. ZHI YONG GUO Defendant.) MOTION TO) PROCEED ON) APPEAL IN FORMA) PAUPERIS;) DECLARATION OF) FAY ARFA;) FINANCIAL) AFFIDAVIT OF ZHI) YONG GUO))
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**TO: THE HONORABLE JUDGES OF THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT AND
COUNSEL FOR PLAINTIFF:**

Defendant-appellant, ZHI YONG GUO, through his
counsel, Fay Arfa, moves this Court for an order to proceed in
forma pauperis in the above action. 28 U.S. C. § 1915.

Mr. Guo cannot pay any fees or give any security in lieu
of fees. He is entitled to relief. Mr. Guo has not divested
himself of any property, monies, or any items of value for the

purpose of avoiding payment of any fees.

This motion is based on the attached declaration of Fay Arfa and the financial affidavit of Mr. Guo. This motion is also based on the files and records of the Court, and any further evidence that the Court may require.

DATED: August 6, 2009

Respectfully submitted,
FAY ARFA, A LAW CORPORATION

/s/ Fay Arfa

Fay Arfa, Attorney for Appellant

DECLARATION OF FAY ARFA

I, Fay Arfa, state and declare as follows:

1. On April 5, 2008, the government filed a criminal complaint against Mr. Guo.
2. Mr. Guo qualified for the appointment of counsel pursuant to 18 U.S.C. § 3006A and, on April 7, 2008, the Court appointed a CJA panel attorney to represent him.
3. The family retained me to represent Mr. Guo and, on June 25, 2007, I substituted in as retained counsel to represent Zhi Yong Guo.
4. On July 27, 2009, after the jury found Mr. Guo guilty, the district court judge sentenced Mr. Guo to 60 months in federal prison, and ordered him to pay several fines, including a \$12,500 fine.
5. Mr. Guo's financial affidavit shows that he has no income and has been incarcerated for nearly a year and a half.
6. He is heavily in debt and owes more than \$150,000 with

no income or any means to pay the filing fees for an appeal.

7. Mr. Guo simply cannot afford to even pay the cost of providing himself or his dependents with the necessities of life let alone, any filing fees.
8. Mr. Guo lacks the financial resources to pay for filing his criminal appeal.
9. I have not been paid to handle Mr. Guo's appeal to the Ninth Circuit.
10. Mr. Guo is serving a 60 month sentence in federal prison.

I declare under penalty of perjury that the foregoing is true and correct. Executed this August 6, 2009 at Los Angeles, California.

/s/ Fay Arfa

Fay Arfa, Attorney at Law

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

Rev. 5/98 IN UNITED STATES MAGISTRATE DISTRICT APPEALS COURT or OTHER PANEL (Specify below)

IN THE CASE OF UNITED STATES v.s. ZHI YONG GUO
 FOR _____
 AT _____

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)
ZHI YONG GUO

- 1 Defendant—Adult
- 2 Defendant - Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Parole Violator
- 6 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other

DOCKET NUMBERS
 Magistrate
 District Court
08-461-JWF
 Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) Felony Misdemeanor
50 USC 1705 (a) (c)

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Am Self-Employed
	Name and address of employer: <u>N/A I have been incarcerated since 4/2008.</u>
ASSETS	IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment <u>03/2008</u> How much did you earn per month? \$ <u>1,000</u>
	If married is your Spouse employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much does your Spouse earn per month? \$ <u>1,000.00</u> If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____
OTHER INCOME	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 checked="" type="checkbox"/> No
	IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES
CASH	Have you any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, state total amount \$ <u>1,000</u>
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	IF YES, GIVE THE VALUE AND \$ <u>70,000.00</u> <u>Small Apartment</u>

DEPENDENTS	MARITAL STATUS	Total No. of Dependents	List persons you actually support and your relationship to them
	<input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR <input type="checkbox"/> DIVORCED	<u>0</u>	_____

DEBTS & MONTHLY BILLS	APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)	\$60,000	personal loan from family	\$ 60,000.00	\$ _____
	\$40,000	personal loan from family	\$ 40,000.00	\$ _____
	<u>50,000</u>	<u>personal loan from family</u>	<u>\$ 50,000.00</u>	\$ _____

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) May. 19, 2009
 SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) Zhi Yong Guo