

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARK KILMARTIN — PETITIONER, PRO-SE,

VS.

JASON LEWIS, WARDEN

AND THE STATE OF MISSOURI — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of habeas corpus without prepayment of costs and to proceed *in forma pauperis*

[X] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

On or about 1991 in the United States District Court Western District and on or about 1997 or 1998 in the Supreme Court of the United States.

[✓] Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court. *To the best of my memory and knowledge.*

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Mark Kilmartin
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Mark Kilmartin, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

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	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>125.00</u>	\$ <u>N/A</u>	\$ <u>125.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment Payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>State Pay</u>	\$ <u>7.50</u>	\$ <u>N/A</u>	\$ <u>7.50</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>132.50</u>	\$ <u>N/A</u>	\$ <u>132.50</u>	\$ <u>N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes and other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
MO D.O.C.	300 E. Pedro Simmons Dr. Charleston, MO 63834	1993 to 2018	\$7.50

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	N/A	N/A	N/A

4. How much cash do you and your spouse have? \$ 148.89. No spouse!
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
D.O.C.	Prison Account	\$ <u>148.89</u>	N/A

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

<input type="checkbox"/> Home	<input type="checkbox"/> Other real estate
Value <u>None</u>	Value <u>None</u>
<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model <u>None</u>	Year, make & model <u>N/A</u>
Value <u>N/A</u>	Value <u>N/A</u>
<input type="checkbox"/> Other assets	
Description <u>None</u>	
Value <u>N/A</u>	

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 you	Amount owed your spouse
--	-----------------	-------------------------

<u>0</u>	<u>N/A</u>	<u>N/A</u>
----------	------------	------------

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

Name	Relationship	Age
<u>None</u>	<u>N/A</u>	<u>N/A</u>

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, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>None</u>	\$ <u>N/A</u>
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 (electricity, heating fuel, water, sewer, and telephone)	<u>Telephone</u> \$ <u>10.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>None</u>	\$ <u>N/A</u>
Food	\$ <u>100.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>None</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>None</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>None</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments	\$ <u>None</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>None</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>None</u>	\$ <u>N/A</u>
Life	\$ <u>None</u>	\$ <u>N/A</u>
Health	\$ <u>None</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>None</u>	\$ <u>N/A</u>
Other: _____	\$ <u>None</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments		
(specify): <u>None</u>	\$ <u>None</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>None</u>	\$ <u>N/A</u>
Credit Card(s)	\$ <u>None</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>None</u>	\$ <u>N/A</u>
Other: <u>None</u>	\$ <u>None</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>None</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, Or farm (attach detailed statement)	\$ <u>None</u>	\$ <u>N/A</u>
Other (specify): <u>None</u>	\$ <u>None</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>110.00</u>	\$ <u>N/A</u>

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 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? None

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

N/A

11. 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?

☐ Yes ☒ No

If yes, how much? N/A

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

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Petitioner is serving a life sentence in prison and cannot be employed and must rely on gift money from his mother, Janice Foreman, and second-cousin, Diane Richards. Petitioner has no way to earn money while in prison and is not married.

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

Executed on: 7/9/2018

Mark Kilmartin

(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**