

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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D.L. - PETITIONER,

VS.

STATE OF WISCONSIN - RESPONDENT.

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE COURT OF APPEALS OF WISCONSIN  
DISTRICT II

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MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

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COMES NOW, Petitioner D.L., appearing Pro se and requests permission to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed In Forma Pauperis, for each of the following reasons:

1. Petitioner has filed simultaneous with this Motion, a Declaration in Support of request to proceed In Forma Pauperis, a petition for Writ of Certiorari, Petitioner's Appendix, and Motion to Seal, to the Supreme Court of the United States.

2. Petitioner is seeking review of decisions of the Wisconsin States Courts which held that Petitioner cannot obtain relief under Miller v. Alabama, 132 S. Ct. 2455, 2463-64 (2012); Montgomery v. Louisiana, 136 S. Ct. 718 (2016); Martinez v. Ryan, 132 S. Ct. 1309, 1320 (2012); Trevino v. Thaler, 133 S. Ct. 1911, 1914 (2013).

3. Petitioner has been continuously incarcerated since 1991 at age 15. Petitioner has no assets of any kind or nature.

4. Petitioner has previously been granted leave to proceed In Forma Pauperis in the following Courts: in all Wisconsin State Court appellate filings, In a 2004 proceeding in the United States Court of Appeals for the Seventh Circuit per the CJA, and most recently in the State of Wisconsin Court of Appeals, Appeal No. 2016AP1449 on August 9, 2016; State of Wisconsin Supreme Court, Appeal No. 2016AP1449 on April 3, 2018. (See Orders for Waiver of Fees Attached)

5. Petitioner is also an incarcerated individual in the Federal Witness Security Program ("WITSEC"). As an incarcerated individual in the "WITSEC" Program, I do not have the services of a notary public available to me for security reasons (i.e., notarization would reveal State wherein I am incarcerated). I have

therefore executed the attached **In Foram Pauperis** Declaration pursuant to 28 U.S.C. § 1746 under penalty of perjury (Federal unsworn declaration statute).

**WHEREFORE**, Petitioner respectfully requests that the Court enter an Order allowing Petitioner to Proceed **In Forma Pauperis** and for such other, further, and different relief as the Court may deem just and proper.

Dated: August 31, 2018

Respectfully submitted,

  
D.L. #05095-089  
Pro se Petitioner  
P.O. Box 379  
Fairton, NJ  
08320

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Attachments to Motion for Leave to Proceed In Forma Pauperis  
Orders for waiver of fees in the lower Courts leading to this  
Petition for Certiorari

1A-1B



# WISCONSIN COURT OF APPEALS

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John Barrett  
Clerk of Circuit Court  
Room G-8  
901 N. 9th Street  
Milwaukee, WI 53233

**The court has entered the following order:**

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**District: 1**  
**Appeal No. 2016AP001449**

August 9, 2016

**Circuit Court Case No. 2015CV004131**

D. L. v. State

A petition for waiver of fees has been filed in the above matter. The petition establishes indigency for purposes of prosecuting this action.

**IT IS ORDERED** that the court grants permission to proceed without payment of the filing fee. This order waives only the filing fees in the Court of Appeals. It is not a determination of indigency for any other purpose. Indigency may be reevaluated if a request is received for waiver of other fees based on indigency.

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Diane M. Fremgen  
Clerk of Court of Appeals



# WISCONSIN SUPREME COURT

## OFFICE OF THE CLERK

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Room G-8  
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Milwaukee, WI 53233

**The court has entered the following order:**

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**District: 2**  
**Appeal No. 2016AP001449**

April 3, 2018

**Circuit Court Case No. 2015CV004131**

D. L. v. State

A petition for waiver of fees has been filed in the above matter. The petition establishes indigency for purposes of prosecuting this action.

**IT IS ORDERED** that the court grants permission to proceed without payment of the filing fee. This order waives only the filing fees in the Supreme Court. It is not a determination of indigency for any other purpose. Indigency may be reevaluated if a request is received for waiver of other fees based on indigency.

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Sheila T. Reiff  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE UNITED STATES

D.L. - Petitioner,

DECLARATION IN

SUPPORT

OF REQUEST

TO PROCEED

NO. \_\_\_\_\_

VS.

State of Wisconsin

- IN FORMA PAUPERIS

Petitioner.

I, .... D.L. ...., declare that I am the movant in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs 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 relief.

1. Are you presently employed?

Yes        No       

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

N/A .....

.....

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

Prison job: \$17.00 .....

Jan 2018 .....

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes        No       

b. Rent payments, interest or dividends?

Yes        No       

c. Pensions, annuities or life insurance payments?

Yes        No       

d. Gifts or inheritances?

Yes        No       

e. Any other sources?

Yes        No       

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

From family on average of \$20.00 a month.

3. Do you own any cash, or do you have money in a checking or savings account?  
Yes        No        (Include any funds in prison accounts)  
If the answer is "yes," state the total value of the items owned.

.53¢

4. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property  
(excluding ordinary household furnishings and clothing)?  
Yes        No       

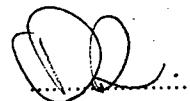
If the answer is "yes," describe the property and state its approximate value.

N/A

5. List the persons who are dependent upon you for support, state your relationship to these persons, and indicate how much you contribute toward their support:

N/A

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on .....  
August 31, 2018 (date)



(Signature of Movant)

CERTIFICATE

I hereby certify that the movant herein has the sum of \$ ....5.3¢..... on account to his credit at the .....B.O.P..... institution where he is confined. I further certify that movant likewise has the following securities to his credit according to the records of said .....B.O.P..... institution:

The undersigned hereby declares under penalty of perjury .....  
pursuant to 28 U.S.C. § 1746 that the foregoing is true  
and correct.

Dated: August 31, 2018

  
D.L. #05095-089  
Pro se Petitioner  
P.O. Box 379  
Fairton, NJ  
08320