

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

IN THE  
SUPREME COURT OF THE UNITED STATES

JOHN PHILLIP BENDER-PETITIONER

VS.

LORIE DAVIS, DIRECTOR-RESPONDENT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed in forma pauperis.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed in forma pauperis in the following courts: 331st District Court, Travis County, Texas; Texas Court of Appeals Third District; Supreme Court of Texas; United Stats District Court for the Southern District of Texas, for appeal to the United States District Court of Appeals for the Fifth Circuit; and herein, extension Application No. 17A934.

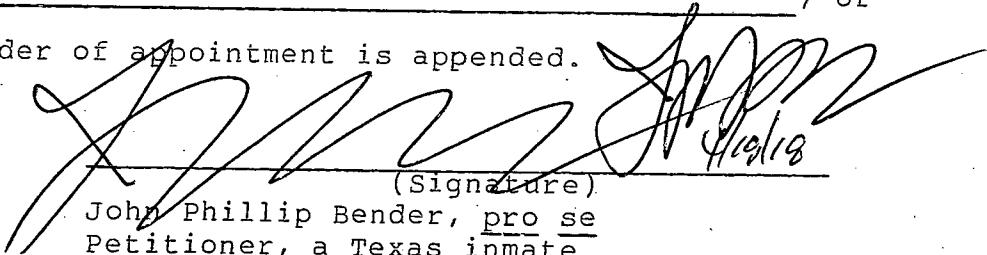
Petitioner has not previously been granted leave to proceed in forma pauperis in any other court.

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

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

[ ] The appointment was made under the following provisions of law: N/A , or

[ ] a copy of the order of appointment is appended.



(Signature)

John Phillip Bender, pro se  
Petitioner, a Texas inmate  
TDCJ #01600287, Wayne Scott Unit  
6999 Retrieve Road  
Angleton, Texas 77514

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

I, John Phillip Bender, 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	\$-0-	\$N/A	\$-0-	\$N/A
Self-employment	\$-0-	\$N/A	\$-0-	\$N/A
Income from real property (such as rental income)	\$-0-	\$N/A	\$-0-	\$N/A
Interest and dividends	\$-0-	\$N/A	\$-0-	\$N/A
Gifts	\$5.00	\$N/A	\$-0-	\$N/A
Alimony	\$-0-	\$N/A	\$-0-	\$N/A
Child Support	\$-0-	\$N/A	\$-0-	\$N/A
Retirement (such as social security, pensions, annuities, insurance)	\$-0-	\$N/A	\$-0-	\$N/A
Disability (such as social security, insurance payments)	\$-0-	\$N/A	\$-0-	\$N/A
Unemployment payments	\$-0-	\$N/A	\$-0-	\$N/A
Public-assistance (such as welfare)	\$-0-	\$N/A	\$-0-	\$N/A
Other (specify): <u>N/A</u>	\$-0-	\$N/A	\$-0-	\$N/A
<b>Total monthly income:</b>	<b>\$5.00</b>	<b>\$N/A</b>	<b>\$-0-</b>	<b>\$N/A</b>

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

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u> <u>(incarcerated since 2009)</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ -0-</u> <u>\$</u> <u>\$</u>

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
<u>N/A</u> <u>(no spouse)</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u> <u>\$</u> <u>\$</u>

4. How much cash do you and your spouse have? \$-0- (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
<u>N/A-no cash</u>	<u>N/A</u>	<u>\$-0-</u> <u>\$</u> <u>\$</u>	<u>\$ N/A-no spouse</u> <u>\$</u> <u>\$</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. N/A-no assets-no spouse

Home

Value N/A

Other real estate

Value N/A

Motor Vehicle #1

Year, make & model N/A

Value N/A

Motor Vehicle #2

Year, make & model N/A

Value N/A

Other assets

Description N/A

Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed. N/A-no one owes me money-no spouse

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
None	\$-0-	\$ N/A
	\$	\$
	\$	\$

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

Name	Relationship	Age
None	N/A	N/A
(no spouse; 1 adult son)		

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. N/A-no expenses-incarcerated since 2009.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$-0-	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$-0-	\$ N/A
Home maintenance (repairs and upkeep)	\$-0-	\$ N/A
Food	\$-0-	\$ N/A
Clothing	\$-0-	\$ N/A
Laundry and dry-cleaning	\$-0-	\$ N/A
Medical and dental expenses	\$-0-	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$-0-	\$N/A
Recreation, entertainment, newspapers, magazines, etc.	\$-0-	\$N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$-0-	\$N/A
Life	\$-0-	\$N/A
Health	\$-0-	\$N/A
Motor Vehicle	\$-0-	\$N/A
Other: <u>None</u>	\$-0-	\$N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A -none</u>	\$-0-	\$N/A
Installment payments		
Motor Vehicle	\$-0-	\$N/A
Credit card(s)	\$-0-	\$N/A
Department store(s)	\$-0-	\$N/A
Other: <u>None</u>	\$-0-	\$N/A
Alimony, maintenance, and support paid to others	\$-0-	\$N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$-0-	\$N/A
Other (specify): <u>None</u>	\$-0-	\$N/A
<b>Total monthly expenses:</b>	<b>\$-0-</b>	<b>\$N/A</b>

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? N/A-None

If yes, state the attorney'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-None

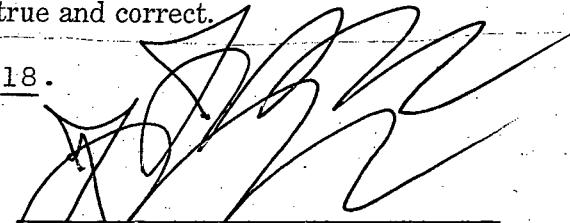
If yes, state the person's name, address, and telephone number: N/A

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

Incarcerated since 2009. The only one who has assisted me in paying costs died. I have been unable to obtain assistance from anyone; however, I am actively seeking help so that I can file under Rule 33.1 rather than Rule 33.2. As of now, no one is willing to bear the cost.

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

Executed on April 18, 2018.

  
(Signature)  
John Phillip Bender, pro se  
Petitioner, a Texas inmate  
TDCJ #01600287, Wayne Scott  
Unit, 6999 Retrieve Road  
Angleton, Texas 77515