

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Brian Thomas — PETITIONER
(Your Name)

VS.

United States of America — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari 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 court(s):

Fifth Circuit Courts of Appeal and District Courts

☐ 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.

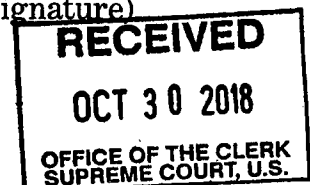
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: _____
Criminal Justice Act _____, or

☐ a copy of the order of appointment is appended.

Brian Thomas

(Signature)



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

I, Brian Thomas, 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>20-65.00</u>	\$ <u>NA</u>	\$ <u>20-65.00</u>	\$ <u>NA</u>
Self-employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Gifts	\$ <u>40.00</u>	\$ <u>NA</u>	\$ <u>40.00</u>	\$ <u>NA</u>
Alimony	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Child Support	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>60-105</u>	\$ <u>NA</u>	\$ <u>60-105</u>	\$ <u>NA</u>

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
ECI Butner II	PO Box 1500	2016-Pres	\$ 20-65.00
			\$

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
NA	NA	NA	NA
			\$

4. How much cash do you and your spouse have? \$ 00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Inmate Trust Account	\$ 00	\$ NA
	\$	\$

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

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model
Value NA

☐ Motor Vehicle #2
Year, make & model
Value NA

☐ Other assets
Description NA
Value NA

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 to you

Amount owed to your spouse

_____	\$ _____	\$ _____
NA	\$ NA	\$ NA
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

_____	_____	_____
NA	NA	NA
_____	_____	_____

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)

\$ NA \$ NA

Are real estate taxes included? ☐ Yes ☐ No NA

Is property insurance included? ☐ Yes ☐ No NA

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ NA \$ NA

Home maintenance (repairs and upkeep)

\$ NA \$ NA

Food

\$ 35-40.00 \$ NA

Clothing

\$ NA \$ NA

Laundry and dry-cleaning

\$ 10.00 \$ NA

Medical and dental expenses

\$ NA \$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ NA	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ NA	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ NA	\$ NA
Life	\$ NA	\$ NA
Health	\$ NA	\$ NA
Motor Vehicle	\$ NA	\$ NA
Other: _____	\$ NA	\$ NA
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ NA	\$ NA
Installment payments		
Motor Vehicle	\$ NA	\$ NA
Credit card(s)	\$ NA	\$ NA
Department store(s)	\$ NA	\$ NA
Other: _____	\$ NA	\$ NA
Alimony, maintenance, and support paid to others	\$ NA	\$ NA
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ NA	\$ NA
Other (specify): <u>Phone/Email Usage</u>	\$ 25.00	\$ NA
Total monthly expenses:	\$ 60-100	\$ NA

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? NA

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

NA

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? NA

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

NA

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

I live from day/month by what institutional pay I get and possible family gifts.

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

Executed on: 10/, 2018



Brian Thomas, 31569-171

(Signature)

Inmate Statement



Inmate Reg #: 31569171
 Inmate Name: THOMAS, BRIAN
 Report Date: 10/17/2018
 Report Time: 11:58:53 AM

Current Institution: Butner FCC
 Housing Unit: BTF-M-A
 Living Quarters: M01-060L

<u>Alpha</u>						<u>Transaction</u>	<u>Encumbrance</u>
<u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Amount Ending Balance</u>
BUX	10/17/2018	109			Sales	(\$26.65)	\$8.44
	10:06:51 AM						
BUX	10/12/2018	TFN1012			Phone Withdrawal	(\$8.00)	\$35.09
	3:01:40 PM						
BUX	10/11/2018	67			Sales	(\$67.10)	\$43.09
	8:51:48 AM						
BUX	10/8/2018	33318281			Western Union	\$40.00	\$110.19
	7:04:34 PM						
BUX	10/7/2018	TFN1007			Phone Withdrawal	(\$8.00)	\$70.19
	2:46:53 PM						
BUX	10/5/2018	UIPP0918			Payroll - IPP	\$65.75	\$78.19
	3:49:21 PM						
BUX	10/4/2018	TL1004			TRUL Withdrawal	(\$2.00)	\$12.44
	2:17:04 PM						
BUX	10/3/2018	15			Sales	(\$8.60)	\$14.44
	7:33:36 AM						
BUX	10/3/2018	4			Sales	(\$77.00)	\$23.04
	6:56:24 AM						
BUX	10/1/2018	TFN1001			Phone Withdrawal	(\$15.00)	\$100.04
	9:03:30 AM						
BUX	9/30/2018	33318273			Western Union	\$40.00	\$115.04
	6:04:51 PM						
BUX	9/24/2018	33318267			Western Union	\$20.00	\$75.04
	7:04:38 AM						
BUX	9/23/2018	TFN0923			Phone Withdrawal	(\$10.00)	\$55.04
	1:14:25 PM						
BUX	9/15/2018	33318258			Western Union	\$30.00	\$65.04
	7:05:03 AM						
BUX	9/11/2018	TFN0911			Phone Withdrawal	(\$10.00)	\$35.04
	3:35:07 PM						
BUX	9/11/2018	33318254			Western Union	\$20.00	\$45.04
	7:06:16 AM						
BUX	9/10/2018	14			Sales	(\$53.25)	\$25.04
	6:56:59 AM						
BUX	9/9/2018	TFN0909			Phone Withdrawal	(\$5.00)	\$78.29
	7:21:20 PM						
BUX	9/7/2018	TIPP0818			Payroll - IPP	\$50.75	\$83.29
	12:20:02 PM						
BUX	9/4/2018	3			Sales	(\$23.41)	\$32.54
	6:33:13 AM						
BUX	8/31/2018	TFN0831			Phone Withdrawal	(\$6.00)	\$55.95
	8:24:36 PM						
BUX	8/31/2018	33318243			Western Union	\$60.00	\$61.95
	7:05:04 PM						
BUX	8/30/2018	TFN0830			Phone Withdrawal	(\$3.00)	\$1.95
	6:49:31 PM						
BUX	8/28/2018	TL0828			TRUL Withdrawal	(\$2.00)	\$4.95
	10:45:33 AM						
BUX	8/28/2018	39			Sales	(\$25.30)	\$6.95
	7:56:36 AM						
BUX	8/27/2018	33318239			Western Union	\$30.00	\$32.25
	4:04:46 PM						
BUX	8/25/2018	TFN0825			Phone Withdrawal	(\$5.00)	\$2.25
	3:31:12 PM						
BUX	8/21/2018	20			Sales	(\$56.00)	\$7.25
	7:04:29 AM						
BUX	8/18/2018	33318230			Western Union	\$50.00	\$63.25
	8:04:00 PM						
BUX	8/18/2018	TFN0818			Phone Withdrawal	(\$10.00)	\$13.25
	6:04:02 PM						
BUX	8/15/2018	TFN0815			Phone Withdrawal	(\$5.00)	\$23.25
	3:08:22 PM						
BUX		55			Sales	(\$3.20)	\$28.25

	8/14/2018					
	9:02:34 AM					
BUX	8/14/2018	48		Sales	(\$28.95)	\$31.45
	8:48:57 AM					
BUX	8/13/2018	33318225		Western Union	\$35.00	\$60.40
	5:04:27 PM					
BUX	8/12/2018	33318224		Western Union	\$20.00	\$25.40
	10:04:25 PM					
BUX	8/11/2018	TFN0811		Phone Withdrawal	(\$7.00)	\$5.40
	6:58:29 AM					
BUX	8/8/2018	TIPP0718		Payroll - IPP	\$5.00	\$12.40
	9:21:00 AM					
BUX	8/8/2018	TIPP0718		Payroll - IPP	\$4.76	\$7.40
	9:20:55 AM					
BUX	8/7/2018	80		Sales	(\$1.95)	\$2.64
	9:50:39 AM					
BUX	8/7/2018	78		Sales	(\$27.55)	\$4.59
	9:47:36 AM					
BUX	8/6/2018	TFN0806		Phone Withdrawal	(\$3.00)	\$32.14
	9:47:49 AM					
BUX	8/5/2018	33318217		Western Union	\$35.00	\$35.14
	10:04:26 PM					
BUX	8/5/2018	TFN0805		Phone Withdrawal	(\$1.00)	\$0.14
	7:21:16 PM					
BUX	8/1/2018	59		Sales	(\$49.15)	\$1.14
	9:09:52 AM					
BUX	7/30/2018	33318211		Western Union	\$50.00	\$50.29
	4:05:36 PM					
BUX	7/28/2018	TFN0728		Phone Withdrawal	(\$5.00)	\$0.29
	9:00:02 PM					
BUX	7/25/2018	TFN0725		Phone Withdrawal	(\$6.00)	\$5.29
	5:46:11 PM					
BUX	7/25/2018	56		Sales	(\$5.55)	\$11.29
	9:02:58 AM					
BUX	7/25/2018	47		Sales	(\$33.55)	\$16.84
	8:45:42 AM					
BUX	7/23/2018	33318204		Western Union	\$40.00	\$50.39
	3:04:38 PM					

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Total Transactions: 131

Totals: (\$46.81) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
BUX	\$8.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8.44
Totals:	\$8.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8.44

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$983.30	\$1,037.71	\$43.59	\$115.04	\$67.18	N/A	N/A

Inmate Statement



Inmate Reg #: 31569171
Inmate Name: THOMAS, BRIAN
Report Date: 10/17/2018
Report Time: 12:01:01 PM

Current Institution: Butner FCC
Housing Unit: BTF-M-A
Living Quarters: M01-060L

<u>Alpha</u>						<u>Transaction</u>	<u>Encumbrance</u>
<u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Amount Ending Balance</u>
BUX	7/18/2018 2:48:21 PM	TFN0718			Phone Withdrawal	(\$7.00)	\$10.39
BUX	7/18/2018 7:47:01 AM	39			Sales	(\$29.45)	\$17.39
BUX	7/11/2018 11:48:55 AM	88			Sales	(\$43.45)	\$46.84
BUX	7/10/2018 4:04:13 PM	33318191			Western Union	\$25.00	\$90.29
BUX	7/7/2018 1:28:40 PM	TFN0707			Phone Withdrawal	(\$8.00)	\$65.29
BUX	7/7/2018 7:04:46 AM	33318188			Western Union	\$40.00	\$73.29
BUX	7/6/2018 7:48:38 AM	TIPP0618			Payroll - IPP	\$27.20	\$33.29
BUX	7/5/2018 11:50:31 AM	121			Sales	(\$19.15)	\$6.09
BUX	6/30/2018 11:41:02 AM	TFN0630			Phone Withdrawal	(\$7.00)	\$25.24
BUX	6/29/2018 10:34:38 AM	TFN0629			Phone Withdrawal	(\$3.00)	\$32.24
BUX	6/26/2018 2:04:14 PM	33318177			Western Union	\$35.00	\$35.24
BUX	6/25/2018 7:03:25 PM	TFN0625			Phone Withdrawal	(\$5.00)	\$0.24
BUX	6/24/2018 6:17:49 PM	TFN0624			Phone Withdrawal	(\$5.00)	\$5.24
BUX	6/21/2018 7:40:41 PM	TFN0621			Phone Withdrawal	(\$9.00)	\$10.24
BUX	6/18/2018 12:40:44 PM	159			Sales	(\$18.20)	\$19.24
BUX	6/16/2018 7:24:36 AM	TFN0616			Phone Withdrawal	(\$10.00)	\$37.44
BUX	6/11/2018 10:28:11 AM	103			Sales	(\$22.60)	\$47.44
BUX	6/10/2018 9:09:54 PM	TFN0610			Phone Withdrawal	(\$13.00)	\$70.04
BUX	6/10/2018 7:04:31 PM	33318161			Western Union	\$40.00	\$83.04
BUX	6/8/2018 10:11:21 AM	TIPP0518			Payroll - IPP	\$27.20	\$43.04
BUX	6/4/2018 9:42:57 AM	43			Sales	(\$25.65)	\$15.84
BUX	5/31/2018 10:46:59 AM	TFN0531			Phone Withdrawal	(\$11.00)	\$41.49
BUX	5/30/2018 8:32:51 AM	51			Sales	(\$24.65)	\$52.49
BUX	5/26/2018 7:04:32 AM	33318146			Western Union	\$40.00	\$77.14
BUX	5/17/2018 7:35:26 PM	TFN0517			Phone Withdrawal	(\$10.00)	\$37.14
BUX	5/15/2018 10:45:40 AM	61			Sales	(\$6.20)	\$47.14
BUX	5/15/2018 10:45:00 AM	60			Sales	(\$26.80)	\$53.34
BUX	5/12/2018 11:29:26 AM	TFN0512			Phone Withdrawal	(\$13.00)	\$80.14
BUX	5/8/2018 12:45:10 PM	TIPP0418			Payroll - IPP	\$17.64	\$93.14
BUX	5/8/2018 8:31:48 AM	36			Sales	(\$45.00)	\$75.50
BUX	5/3/2018 8:33:19 PM	TFN0503			Phone Withdrawal	(\$15.00)	\$120.50
BUX		33318123			Western Union	\$35.00	\$135.50

	5/3/2018				
	6:04:47 PM				
BUX	5/2/2018	33318122	Western Union	\$100.00	\$100.50
	11:04:32 AM				
BUX	4/30/2018	64	Sales	(\$16.75)	\$0.50
	2:38:20 PM				
BUX	4/24/2018	TFN0424	Phone Withdrawal	(\$10.00)	\$17.25
	1:02:30 PM				
BUX	4/23/2018	86	Sales	(\$23.60)	\$27.25
	2:49:42 PM				
BUX	4/18/2018	TFN0418	Phone Withdrawal	(\$12.00)	\$50.85
	7:44:17 PM				
BUX	4/16/2018	114	Sales	(\$0.90)	\$62.85
	2:51:58 PM				
BUX	4/16/2018	113	Sales	(\$36.25)	\$63.75
	2:50:24 PM				
BUX	4/16/2018	33418106	Money Gram	\$20.00	\$100.00
	9:03:18 AM				
BUX	4/14/2018	TFN0414	Phone Withdrawal	(\$12.00)	\$80.00
	12:43:41 PM				
BUX	4/13/2018	33318103	Western Union	\$45.00	\$92.00
	9:04:14 PM				
BUX	4/13/2018	TL0413	TRUL Withdrawal	(\$5.00)	\$47.00
	12:40:59 PM				
BUX	4/11/2018	33318101	Western Union	\$50.00	\$52.00
	7:04:58 AM				
BUX	4/9/2018	104	Sales	(\$38.05)	\$2.00
	1:55:16 PM				
BUX	4/7/2018	TFN0407	Phone Withdrawal	(\$16.00)	\$40.05
	1:44:46 PM				
BUX	4/6/2018	TIPP0318	Payroll - IPP	\$19.20	\$56.05
	7:18:00 AM				
BUX	4/2/2018	156	Sales	(\$0.85)	\$36.85
	2:29:08 PM				
BUX	4/2/2018	152	Sales	(\$62.30)	\$37.70
	1:55:37 PM				
BUX	4/2/2018	TFN0402	Phone Withdrawal	(\$13.00)	\$100.00
	12:03:18 PM				

123

Total Transactions: 131

Totals: (\$46.81) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
BUX	\$8.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8.44
Totals:	\$8.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8.44

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		