

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)

RECEIVED

OCT 30 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

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
ECT 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 _____
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? <input type="checkbox"/> Yes <input type="checkbox"/> No NA		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> 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	\$ 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	\$ 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 **Current Institution:** Butner FCC
Inmate Name: THOMAS, BRIAN **Housing Unit:** BTF-M-A
Report Date: 10/17/2018 **Living Quarters:** M01-060L
Report Time: 11:58:53 AM

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

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

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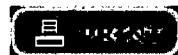
Total Transactions: 131

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>Natioanl 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 Current Institution: Butner FCC
 Inmate Name: THOMAS, BRIAN Housing Unit: BTF-M-A
 Report Date: 10/17/2018 Living Quarters: M01-060L
 Report Time: 12:01:01 PM

<u>Alpha</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>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

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

123

Total Transactions: 131

Totals: (\$46.81) \$0.00

Current Balances									
Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance	
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									
National 6 Months Deposits	National 6 Months Withdrawals	Natioanl 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date			
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					