

IN THE
SUPREME COURT OF THE UNITED STATES

Early A. Atterberry — PETITIONER
(Your Name)

VS.

Varga, Warden — 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):

7th Circuit Court of Appeals, U.S. District Court, Illinois Supreme Court, 3rd District Appellate Court.

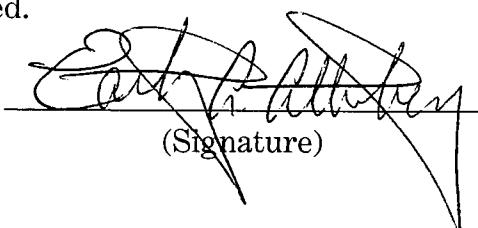
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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: _____, or _____

a copy of the order of appointment is appended.


(Signature)

RECEIVED
MAR 26 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Early A. Atherberry, 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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>State Pay</u>	\$ <u>15.00</u>	\$ <u>N/A</u>	\$ <u>15.00</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>15.00</u>	\$ <u>N/A</u>	\$ <u>15.00</u>	\$ <u>N/A</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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </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>N/A</u>	<u>N/A</u>	\$ <u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

4. How much cash do you and your spouse have? \$ 0.00

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</u>	<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </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.

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.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </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>0</u>	\$ <u>0</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>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <u>N/A</u>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>N/A</u>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>N/A</u>	\$ 0	\$ 0
Total monthly expenses:	\$ 0	\$ 0

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

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

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

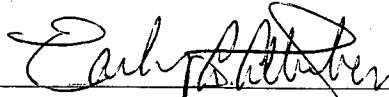
If yes, state the person's name, address, and telephone number:

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

I have been incarcerated since July 18, 2008 and continues with this incarceration until further notice.

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

Executed on: JAN 17, 2019


Earl T. Allen
(Signature)

INMATES NAME

Atteberry

I.D.O.C.#

MO6143

HU AND CELL

60-06

CERTIFICATE

(TO BE COMPLETED FOR PRISONERS ONLY. THIS IS A STATEMENT BY THE PRISON
AND NOT THE PRISONER)

I hereby certify that the plaintiff or petitioner in this action has the sum of \$ 5.60 in his trust fund account at this correctional center where is confined. I further certify that the plaintiff or petitioner has the following securities to his credit according to the records of this institution: N/A

Mitchell R

Authorized Officer

Dixon CC
Institution

Business Administrator
Title

12-28-88
Date

IMPORTANT:

THIS CERTIFICATE MUST BE ACCCOMPANIED BY A COPY OF A SIX MONTH LEDGER OF THE PLAINTIFF'S TRUST FUND ACCOUNT.

Date: 12/28/2018

Time: 10:40am

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**Dixon Correctional Center
Trust Fund**

Inmate Transaction Statement

Page 1

REPORT CRITERIA - Date: 06/28/2018 thru End; Inmate: M06143; Active Status Only ? : No; Print Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: M06143 Atterberry, Early A.

Housing Unit: DIX-SE-60-06

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
					Beginning Balance:		203.92
07/03/18	Payroll	20 Payroll Adjustment	184191		P/R month of 6 2018	10.00	213.92
07/03/18	Disbursements	84 Library	184391	Chk #155957	84210104, DOC: 523 F, Inv. Date: 06/15/2018	-.370	210.22
07/03/18	Disbursements	80 Postage	184391	Chk #155969	80211506, PB - Posta, Inv. Date: 07/02/2018	-.21	210.01
07/03/18	Disbursements	80 Postage	184391	Chk #155969	80211510, PB - Posta, Inv. Date: 07/02/2018	-.21	209.80
07/03/18	Disbursements	81 Legal Postage	184391	Chk #155969	81211672, PB - Posta, Inv. Date: 07/03/2018	-.42	209.38
07/03/18	Disbursements	84 Library	184391	Chk #155971	84211051, DOC: 523 F, Inv. Date: 06/26/2018	-.300	206.38
07/09/18	Point of Sale	60 Commissary	1907113	1008223	Commissary	-.172.19	34.19
07/23/18	Mail Room	15 JPAY	204200	88403900	Atterberry, Mary	200.00	234.19
07/25/18	Point of Sale	60 Commissary	2067113	1010437	Commissary	-.150.02	84.17
07/30/18	Disbursements	88 subscription	211391	Chk #156455	88213660, Criminal L, Inv. Date: 07/27/2018	-.48.00	36.17
08/07/18	Mail Room	10 Western Union - Not Held	219200	5635058947	Jones Crisp, Emma	50.00	86.17
08/07/18	Payroll	20 Payroll Adjustment	219191		P/R month of 7 2018	10.00	96.17
08/07/18	Disbursements	84 Library	219391	Chk #156616	84211836, DOC: 523 F, Inv. Date: 07/09/2018	-.420	91.97
08/07/18	Disbursements	84 Library	219391	Chk #156616	84212109, DOC: 523 F, Inv. Date: 07/10/2018	-.180	90.17
08/07/18	Disbursements	84 Library	219391	Chk #156616	84212113, DOC: 523 F, Inv. Date: 07/10/2018	-.240	87.77
08/07/18	Disbursements	81 Legal Postage	219391	Chk #156627	81211864, PB - Posta, Inv. Date: 07/09/2018	-.21	87.56
08/07/18	Disbursements	80 Postage	219391	Chk #156627	80211908, PB - Posta, Inv. Date: 07/09/2018	-.21	87.35
08/07/18	Disbursements	80 Postage	219391	Chk #156627	80211909, PB - Posta, Inv. Date: 07/09/2018	-.21	87.14
08/07/18	Disbursements	80 Postage	219391	Chk #156627	80211910, PB - Posta, Inv. Date: 07/09/2018	-.21	86.93
08/07/18	Disbursements	81 Legal Postage	219391	Chk #156627	81212231, PB - Posta, Inv. Date: 07/12/2018	-.42	86.51
08/07/18	Disbursements	80 Postage	219391	Chk #156627	80213522, PB - Posta, Inv. Date: 07/26/2018	-.34	86.17
08/07/18	Disbursements	81 Legal Postage	219391	Chk #156627	81213840, PB - Posta, Inv. Date: 07/31/2018	-.21	85.96
08/07/18	Disbursements	81 Legal Postage	219391	Chk #156627	81213841, PB - Posta, Inv. Date: 07/31/2018	-.21	85.75
08/14/18	Point of Sale	60 Commissary	2267113	1012897	Commissary	-.84.28	1.47
08/21/18	Mail Room	10 Western Union - Not Held	233200	6672526270	Jones Crisp, Emma	20.00	21.47
08/23/18	Point of Sale	60 Commissary	2357121	1014271	Commissary	-.19.78	1.69
08/24/18	AP Correction	80 Postage	236591	Chk #151969 Voided	80193289 - PB - Postage By Pho	.92	2.61
08/24/18	AP Correction	80 Postage	236591	Chk #152748 Voided	80195684 - PB - Postage By Pho	.21	2.82
08/24/18	AP Correction	80 Postage	236591	Chk #152748 Voided	80196125 - PB - Postage By Pho	.21	3.03
08/24/18	AP Correction	80 Postage	236591	Chk #152748 Voided	80196725 - PB - Postage By Pho	.21	3.24
08/24/18	AP Correction	80 Postage	236591	Chk #152748 Voided	80197364 - PB - Postage By Pho	.47	3.71
08/24/18	AP Correction	81 Legal Postage	236591	Chk #152748 Voided	81198562 - PB - Postage By Pho	9.25	12.96
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80215225, PB - Posta, Inv. Date: 08/16/2018	-.47	12.49
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80193289, PB - Posta, Inv. Date: 12/15/2017	-.92	11.57

Date: 12/28/2018

Time: 10:40am

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**Dixon Correctional Center
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Inmate Transaction Statement

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REPORT CRITERIA - Date: 06/28/2018 thru End; Inmate: M06143; Active Status Only? : No; Print Restrictions? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions? : Yes; Include Inmate Totals? : Yes; Print Balance Errors Only? : No

Inmate: M06143 Atterberry, Early A.

Housing Unit: DIX-SE-60-06

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80195684, PB - Posta, 01/10/2018	-.21	11.36
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80196125, PB - Posta, 01/16/2018	-.21	11.15
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80196725, PB - Posta, 01/23/2018	-.21	10.94
08/24/18	Disbursements	80 Postage	236391	Chk #156945	80197364, PB - Posta, 01/30/2018	-.47	10.47
08/24/18	Disbursements	81 Legal Postage	236391	Chk #156945	81198562, PB - Posta, 02/13/2018	-.925	1.22
09/02/18	Mail Room	15 JPAY	245200	90071607	Atterberry, Mary	200.00	201.22
09/06/18	Point of Sale	60 Commissary	2497152	1015269	Commissary	-100.78	100.44
09/11/18	Payroll	20 Payroll Adjustment	254191		P/R month of 8 2018	14.03	114.47
09/13/18	Disbursements	80 Postage	256391	Chk #157220	80216690, PB - Posta, 09/04/2018	-.47	114.00
09/13/18	Disbursements	84 Library	256391	Chk #157222	84214749, DOC: 523 F, 08/10/2018	-.75	113.25
09/18/18	Point of Sale	60 Commissary	261760	1016660	Commissary	-110.25	3.00
09/29/18	Mail Room	15 JPAY	272200	91160025	Atterberry, Mary	225.00	228.00
10/02/18	Point of Sale	60 Commissary	275760	1018269	Commissary	-143.52	84.48
10/10/18	Payroll	20 Payroll Adjustment	283191		P/R month of 9 2018	15.00	99.48
10/10/18	Disbursements	80 Postage	283391	Chk #157597	80217990, PB - Posta, 09/19/2018	-.47	99.01
10/10/18	Disbursements	80 Postage	283391	Chk #157597	80219118, PB - Posta, 10/03/2018	-.47	98.54
10/18/18	Point of Sale	60 Commissary	291760	1019952	Commissary	-96.36	2.18
11/02/18	Mail Room	15 JPAY	306200	92565805	Atterberry, Mary	200.00	202.18
11/08/18	Payroll	20 Payroll Adjustment	312191		P/R month of 102018	15.00	217.18
11/08/18	Disbursements	80 Postage	312391	Chk #158253	80219829, PB - Posta, 10/12/2018	-.163	215.55
11/08/18	Disbursements	80 Postage	312391	Chk #158253	80222077, PB - Posta, 11/07/2018	-.47	215.08
11/08/18	Disbursements	90 Medical Co-Pay	312391	Chk #158255	90221974, DOC: 523 F, 11/05/2018	-.50	210.08
11/11/18	Mail Room	10 Western Union - Not Held	315200	0913378028	Jones Crisp, Emma	25.00	235.08
11/14/18	Disbursements	88 magazine subscription	318391	Chk #158368	88222577, Men's Jour, 11/14/2018	-.1495	220.13
11/15/18	Point of Sale	60 Commissary	3197113	1022304	Commissary	-195.87	24.26
12/03/18	Mail Room	10 Western Union - Not Held	337200	9322860029	Jones Crisp, Emma	200.00	224.26
12/07/18	Payroll	20 Payroll Adjustment	341191		P/R month of 112018	15.00	239.26
12/07/18	Disbursements	84 Library	341391	Chk #158806	84222665, DOC: 523 F, 11/16/2018	-.20	239.06
12/07/18	Disbursements	84 Library	341391	Chk #158806	84223628, DOC: 523 F, 11/27/2018	-.100	238.06
12/07/18	Disbursements	80 Postage	341391	Chk #158818	80223166, PB - Posta, 11/21/2018	-.21	237.85
12/07/18	Disbursements	90 Medical Co-Pay	341391	Chk #158820	90224397, DOC: 523 F, 12/04/2018	-.50	232.85
12/11/18	Point of Sale	60 Commissary	345760	1024439	Commissary	-166.07	66.78
12/26/18	Point of Sale	60 Commissary	3607162	1026592	Commissary	-.5742	9.36

Date: 12/28/2018

Time: 10:40am

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Dixon Correctional Center

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Inmate Transaction Statement

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REPORT CRITERIA - Date: 06/28/2018 thru End; Inmate: M06143; Active Status Only ? : No; Print Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: M06143 Atterberry, Early A.

Housing Unit: DIX-SE-60-06

Total Inmate Funds:	9.36
Less Funds Held For Orders:	.00
Less Funds Restricted:	3.76
Funds Available:	5.60
Total Furloughs:	.00
Total Voluntary Restitutions:	.00

RESTRICTIONS

Invoice Date	Invoice Number	Type	Description	Vendor	Amount
12/10/2018	80225024	Disb	Postage 12-10-18	19197 PB - Postage By Phone	\$3.76
Total Restrictions:					\$3.76