

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Bobby Joe Long — PETITIONER
(Your Name)

VS.

Mark Inch, Barry Reddish,
John Does — 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):

U.S. District Court, Middle District, Tampa Division

☐ 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)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BOBBY JOE LONG,

Plaintiff,

v.

Case No. 8:19-cv-1193-T-35AEP

MARK S. INCH, in his capacity as
the Secretary, Florida Department
of Corrections,

BARRY REDDISH, in his capacity as
the Warden of Florida State Prison

JOHN DOES, as designee of Barry
Reddish, and/or Mark S. Inch,

Defendants.

ORDER

This matter comes before the Court upon Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 7). Upon review of the Plaintiff's trust fund account, and pursuant to 28 U.S.C. § 1915(b)(1), the Plaintiff's Motion is **GRANTED** to the extent that Plaintiff's case may proceed without the prepayment of the entire \$400.00 filing fee. Plaintiff is assessed the \$400.00 filing fee. As funds become available in Plaintiff's prison trust fund account, he shall be required to make monthly payments of twenty percent of the preceding month's income (that is, all funds deposited into the account) credited to the account. Upon receipt of this Order, the agency having custody of Plaintiff shall forward payments from his account on a monthly basis to the Clerk of Court each time the amount in the account exceeds \$10. The following information shall either be included on the face of the check from the penal institution, cashier's check, or money order or attached thereto: (1) the full name of the prisoner; (2) the prisoner's inmate number (363305); and (3) the Middle District of Florida Case Number (8:19-cv-1193-

T-35AEP). Checks or money orders which do not have this information will be returned to the penal institution. The **Clerk of Court** shall **mail** a copy of this order to Florida Department of Corrections, Inmate Trust Fund, Centerville Station, P.O. Box 12100, Tallahassee, Florida 32317-2100, Attention: Rita Odom, Professional Account Supervisor.

DONE AND ORDERED in Tampa, Florida, on this 20th day of May, 2019.



ANTHONY E. PORCELLI
United States Magistrate Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BOBBY JOE LONG,

Plaintiff,

v.

Case No. 8:19-cv-1193-T-35AEP

MARK S. INCH, in his capacity as
the Secretary, Florida Department
of Corrections,
BARRY REDDISH, in his capacity as
the Warden of Florida State Prison
JOHN DOES, as designee of Barry
Reddish, and/or Mark S. Inch,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Complaint (Doc. 1) and Plaintiff's Emergency Motion for Temporary Restraining Order, Preliminary Injunction and/or Stay of Execution (Doc. 2), by which Plaintiff seeks a temporary restraining order and a preliminary injunction to prevent the Defendants and/or their agents from acting jointly or severally to execute Plaintiff as presently scheduled for May 23, 2019, at 6:00 p.m. In light of the exigent circumstances created by the impending date of execution, the Court construes Plaintiff's filings to include a request to proceed in this matter *in forma pauperis*. Significantly, Plaintiff previously filed on August 12, 2013, a prior Application to Proceed *In Forma Pauperis* Without Prepaying Fees or Costs ("Application"). See Case No. 8:13-cv-2069-T-35AEP, Doc. 2. Upon review of Plaintiff's Application, and given that Plaintiff has been incarcerated since the filing of the Application, it is hereby

ORDERED:

1. Plaintiff's construed request to *proceed in forma pauperis* is GRANTED.¹
2. Plaintiff is directed to complete service upon Defendants by 11:59 pm on May 16, 2019.

DONE AND ORDERED in Tampa, Florida, on this 16th day of May, 2019.



ANTHONY E. PORCELLI
United States Magistrate Judge

¹ Plaintiff is directed to file, no later than 5:00 pm, May 17, 2019, a new application to *proceed in forma pauperis* to update his financial status. The Court may revisit the matter, if necessary, upon review of the new application.