

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

* * * * *

DANIEL KILGORE

Petitioner,

v.

CHANTAY GODERT

Respondent.

* * * * *

**ON PETITION FOR WRIT OF CERTIORARI TO
THE U.S. COURT OF APPEALS, EIGHTH CIRCUIT**

APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the petitioner, by and through counsel, and moves the Court for its order permitting him to file the attached petition for a writ of certiorari *in forma pauperis*. Petitioner is represented by the undersigned counsel *pro bono* in the filing of the petition for certiorari. Undersigned counsel represented petitioner as retained counsel in the court below, but petitioner does not have further resources to pursue relief in this Court.

Mr. Kilgore's declaration under penalty of perjury and prison account statement are attached in support of this motion.

For the foregoing reasons, Mr. Kilgore prays the Court to permit the filing of this petition *in forma pauperis*.

Respectfully submitted,

/s/ Elizabeth Unger Carlyle

Elizabeth Unger Carlyle
P.O. Box 866
Columbus, MS 39703
(816) 525-6540
FAX (866) 764-1249

ATTORNEY FOR PETITIONER

UNITED STATES SUPREME COURT

Daniel Kilgore)

Petitioner)

v.)

Ronda Pash)

Respondent)

) Case No _____

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO PROCEED IN FORMA PAUPERIS**

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: “Daniel Kilgore”

Date: May, 7th, 2019

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	\$ 207.96	\$ N/A	\$ 208. ⁵⁰ ?	\$ 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):	\$ 0	\$ N/A	\$ 0	\$ N/A
Total monthly income:	\$ 207.96	\$ N/A	\$ 208. ⁵⁰	\$ N/A

2. List your 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
N/A	N/A	N/A	\$ 0
			\$

N/A	N/A	N/A	\$ <input checked="" type="checkbox"/>
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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
N/A	N/A	N/A	\$ <input checked="" type="checkbox"/>
N/A	N/A	N/A	\$ <input checked="" type="checkbox"/>
N/A	N/A	N/A	\$ <input checked="" type="checkbox"/>

4. How much cash do you and your spouse have? \$ 4,000

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
Vanguard ?	Retirement	\$? <i>I have no Access</i>	\$ N/A
		\$	\$ N/A
		\$	\$ N/A

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

Home	Other real estate	Motor vehicle #1
(Value) \$ <i>N/A</i>	(Value) \$ <i>N/A</i>	(Value) \$ 1,000 00 ?
		Make and year: <i>Ford '00</i>
		Model: <i>Expedition</i>
		Registration #: ?

Motor vehicle #2	Other assets	Other assets
(Value) \$ 500 00 ?	(Value) \$ 40 00 - \$200 00 ?	(Value) \$
Make and year: <i>Ford '95</i>	<i>Ford '69</i>	
Model: <i>Thunderbird</i>	<i>Mustang</i>	
Registration #: ?	Reg. #: ?	

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
<i>N/A</i>	\$ <i>N/A</i>	\$ <i>N/A</i>
<i>N/A</i>	\$ <i>N/A</i>	\$ <i>N/A</i>
<i>N/A</i>	\$ <i>N/A</i>	\$ <i>N/A</i>
<i>N/A</i>	\$ <i>N/A</i>	\$ <i>N/A</i>

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

Name [or, if under 18, initials only]	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ N/A	\$ N/A
Are real estate taxes included? [] Yes [] No		
Is property insurance included? [] Yes [] No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 225.00	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 225	\$ 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:	\$ 0	\$ 0

Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0	\$ 0
Installment payments		
Motor Vehicle:	\$ 0	\$ 0
Credit card (name):	\$ 0	\$ 0
Department store (name):	\$ 0	\$ 0
Other:	\$ 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):	\$ 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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? [] Yes No

If yes, how much? \$ ~~0~~

11. Provide any other information that will help explain why you cannot pay the fees and costs to proceed on petition for certiorari..

12. State the city and state of your legal residence.

Bowling Green, MO

Your daytime phone number: (~~0~~) ~~N/A~~

Your age: 59 Your years of schooling: 12

Last four digits of your social-security number: 3684

Missouri Department of Corrections

Date/Time	Transaction Type	Description	Amount	Balance
05/07/2019 08:59	Canteen Purchase	Canteen Purchase - Order No: 8017455	-89.18	44.82
05/03/2019 15:18	Media Purchase	Media Purchase	-50.00	134.00
05/01/2019 08:51	Canteen Purchase	Canteen Purchase - Order No: 7986832	-68.92	184.00
04/23/2019 20:55	Media Purchase	Media Purchase	-150.00	252.92
04/23/2019 10:19	Canteen Purchase	Canteen Purchase - Order No: 7974781	-47.58	402.92
04/22/2019 18:19	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 99968197;	300.00	450.51
04/19/2019 08:12	Media Purchase	Media Purchase	-50.00	150.51
04/16/2019 08:41	Canteen Purchase	Canteen Purchase - Order No: 7926441	-102.32	200.51
04/13/2019 18:17	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 99630470;	200.00	302.83
04/11/2019 12:43	Kiosk Purchase	Kiosk Purchase	-10.00	102.83
04/10/2019 20:18	Payroll Tip	Location: NECC; Payroll Cycle: 03/01/2019 : 03/31/2019; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	8.50	112.83
04/09/2019 08:36	Canteen Purchase	Canteen Purchase - Order No: 7890020	-96.11	104.33
04/02/2019 18:16	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 99134000;	200.00	200.44
04/02/2019 13:03	Media Purchase	Media Purchase	-22.00	0.44
04/02/2019 08:39	Canteen Purchase	Canteen Purchase - Order No: 7859994	-44.03	22.44
03/28/2019 14:18	Kiosk Purchase	Kiosk Purchase	-4.00	68.47
03/28/2019 08:35	Canteen Purchase	Canteen Purchase - Order No: 7846171	-66.48	70.47
03/19/2019 08:40	Canteen Purchase	Canteen Purchase - Order No: 7810950	-69.72	136.95
03/18/2019 12:41	Media Purchase	Media Purchase	-20.00	206.87
03/15/2019 18:16	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 98406543;	200.00	226.87
03/12/2019 10:15	Canteen Purchase	Canteen Purchase - Order No: 7773473	-35.09	26.87
03/10/2019 20:16	Payroll Tip	Location: NECC; Payroll Cycle: 02/01/2019 : 02/28/2019; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	8.50	35.36
03/05/2019 09:01	Canteen Purchase	Canteen Purchase - Order No: 7740649	-84.23	53.26
02/28/2019 13:11	Media Purchase	Media Purchase	-50.00	137.49
02/25/2019 10:53	Canteen Purchase	Canteen Purchase - Order No: 7705077	-66.28	187.49
02/23/2019 08:15	Media Purchase	Media Purchase	-150.00	253.77

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Account Name: KILGORE, DANIEL

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Missouri Department of Corrections

Date/Time	Transaction Type	Description	Amount	Balance
02/22/2019 18:19	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 97416409;	200.00	403.77
02/21/2019 12:56	Media Purchase	Media Purchase	-30.00	203.77
02/19/2019 11:24	Canteen Purchase	Canteen Purchase - Order No: 7682931	-73.44	233.77
02/17/2019 08:31	Media Purchase	Media Purchase	-50.00	307.21
02/16/2019 18:17	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 97169419;	300.00	357.21
02/15/2019 09:22	Kiosk Purchase	Kiosk Purchase	-10.00	347.21
02/13/2019 09:08	Canteen Purchase	Canteen Purchase - Order No: 7831085	-87.30	260.21
02/10/2019 20:15	Payroll Tip	Location: NECC; Payroll Cycle: 01/01/2019 : 01/31/2019; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	8.50	154.51
02/08/2019 13:25	Media Purchase	Media Purchase	-50.00	146.01
02/05/2019 09:23	Canteen Purchase	Canteen Purchase - Order No: 7806680	-99.31	196.01
01/31/2019 18:18	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 98405574;	200.00	295.32
01/31/2019 09:48	Media Purchase	Media Purchase	-50.00	245.32
01/23/2019 09:33	Canteen Purchase	Canteen Purchase - Order No: 7551711	-84.45	145.32
01/18/2019 11:59	Media Purchase	Media Purchase	-50.00	229.77
01/15/2019 08:52	Canteen Purchase	Canteen Purchase - Order No: 7509983	-81.27	279.77
01/11/2019 09:05	Media Purchase	Media Purchase	-55.00	341.04
01/10/2019 20:18	Payroll Tip	Location: NECC; Payroll Cycle: 12/01/2018 : 12/31/2018; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	8.80	396.04
01/10/2019 20:00	Payroll Tip	Location: NECC; Payroll Cycle: 12/01/2018 : 12/31/2018; Auto Pay	1.70	389.24
01/08/2019 08:40	Canteen Purchase	Canteen Purchase - Order No: 7470618	-35.91	367.54
01/05/2019 18:17	JPay Deposit	Sender Name(Last/First): JOHN/BOYD; Transaction ID: 95369890;	100.00	423.45
01/04/2019 07:44	JPay Deposit	Sender Name(Last/First): TIMOTHY/KILGORE; Transaction ID: 95216943;	200.00	323.45
01/02/2019 13:25	Canteen Purchase	Canteen Purchase - Order No: 7442135	-51.34	123.45
12/26/2018 10:34	Canteen Purchase	Canteen Purchase - Order No: 7413075	-58.93	174.79
12/19/2018 12:15	Kiosk Purchase	Kiosk Purchase	-10.00	231.72
12/18/2018 08:41	Canteen Purchase	Canteen Purchase - Order No: 7386019	-95.51	241.72
12/11/2018 08:42	Canteen Purchase	Canteen Purchase - Order No: 7344122	-88.37	337.23

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Date/Time	Transaction Type	Description	Amount	Balance
12/10/2018 20:02	Payroll Tip	Location: NECC; Payroll Cycle: 11/01/2018 : 11/30/2018; Auto Pay	8.50	425.60
12/04/2018 07:56	Money Order Deposit	Batch Number: 201812037; Sender Name(Last/First): GEORGE/KILGORE;	200.00	417.10
11/14/2018 13:19	Canteen Purchase	Canteen Purchase	-8.92	217.10
11/10/2018 20:12	Payroll Tip	Location: NECC; Payroll Cycle: 10/01/2018 : 10/31/2018; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	0.26	226.02
11/10/2018 19:54	Payroll Tip	Location: NECC; Payroll Cycle: 10/01/2018 : 10/31/2018; Auto Pay	8.24	225.76
10/17/2018 10:53	Canteen Purchase	Canteen Purchase	-8.50	217.52
10/10/2018 20:16	Payroll Tip	Location: NECC; Payroll Cycle: 09/01/2018 : 09/30/2018; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	8.50	224.02
09/25/2018 09:13	Canteen Purchase	Canteen Purchase - Order No: 6977572	-45.83	215.52
09/24/2018 18:16	Money Order Deposit	Batch Number: 2018092431; Sender Name(Last/First): GEORGE/KILGORE;	200.00	261.15
09/18/2018 08:48	Canteen Purchase	Canteen Purchase - Order No: 6938444	-54.01	215.15
09/11/2018 11:21	Canteen Purchase	Canteen Purchase - Order No: 6907546	-80.10	115.16
09/10/2018 22:23	Payroll Tip	Location: NECC; Payroll Cycle: 08/01/2018 : 08/31/2018; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	6.55	205.26
09/10/2018 21:42	Payroll Tip	Location: NECC; Payroll Cycle: 08/01/2018 : 08/31/2018; Auto Pay	1.95	198.71
08/05/2018 08:38	Canteen Purchase	Canteen Purchase - Order No: 6864005	-42.03	196.76
08/28/2018 11:47	Canteen Purchase	Canteen Purchase - Order No: 6866630	-37.32	238.79
08/21/2018 08:50	Canteen Purchase	Canteen Purchase - Order No: 6853348	-41.41	276.11
08/14/2018 08:42	Canteen Purchase	Canteen Purchase - Order No: 6832571	-63.89	317.52
08/11/2018 12:20	Kiosk Purchase	Kiosk Purchase	-10.00	381.41
08/10/2018 19:55	Payroll Tip	Location: NECC; Payroll Cycle: 07/01/2018 : 07/31/2018; Auto Pay	8.50	391.41
08/07/2018 09:09	Canteen Purchase	Canteen Purchase - Order No: 6817013	-29.01	382.91
07/18/2018 13:30	Canteen Purchase	Canteen Purchase	-8.95	411.92
07/10/2018 19:52	Payroll Tip	Location: NECC; Payroll Cycle: 06/01/2018 : 06/30/2018; Auto Pay	8.50	420.87
06/21/2018 18:17	JPay Deposit	Sender Name(Last/First): JOHN/BOYD; Transaction ID: 87170760;	100.00	412.37
06/20/2018 12:22	Canteen Purchase	Canteen Purchase	-2.45	312.37
06/10/2018 19:52	Payroll Tip	Location: NECC; Payroll Cycle: 05/01/2018 : 05/31/2018; Auto Pay	8.50	314.82

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Date/Time	Transaction Type	Description	Amount	Balance
05/23/2018 13:08	Canteen Purchase	Canteen Purchase	-11.79	306.32
05/10/2018 20:14	Payroll Tip	Location: NECC; Payroll Cycle: 04/01/2018 : 04/30/2018; Job Category: Building Maintenance; Job Detail: Building Maintenance Level 1;	3.40	316.11
05/10/2018 19:53	Payroll Tip	Location: NECC; Payroll Cycle: 04/01/2018 : 04/30/2018; Auto Pay	5.10	314.71
04/16/2018 12:48	Canteen Purchase	Canteen Purchase - Order No: 6498366	-14.33	309.81
04/12/2018 18:18	Money Order Deposit	Batch Number: 2018041222; Sender Name(Last/First): GEORGE/KILGORE;	200.00	323.94
04/10/2018 19:53	Payroll Tip	Location: NECC; Payroll Cycle: 03/01/2018 : 03/31/2018; Auto Pay	6.80	123.84
04/10/2018 19:51	Payroll Tip	Location: CRCC; Payroll Cycle: 03/01/2018 : 03/31/2018; Auto Pay	1.70	117.14
04/09/2018 12:12	Canteen Purchase	Canteen Purchase - Order No: 6482649	-87.78	115.44
04/02/2018 11:29	Canteen Purchase	Canteen Purchase - Order No: 6471080	-37.25	203.22
03/23/2018 18:16	Money Order Deposit	Batch Number: 2018032334; Sender Name(Last/First): GEORGE/KILGORE;	200.00	240.47
03/23/2018 11:12	Canteen Purchase	Canteen Purchase - Order No: 6439443	-80.38	40.47
03/19/2018 08:41	Kiosk Purchase	Kiosk Purchase	-5.00	100.85
03/16/2018 12:02	Canteen Purchase	Canteen Purchase - Order No: 6428642	-82.81	105.85
03/10/2018 19:51	Payroll Tip	Location: CRCC; Payroll Cycle: 02/01/2018 : 02/28/2018; Auto Pay	8.50	188.46
03/05/2018 09:04	Canteen Purchase	Canteen Purchase - Order No: 6388910	-54.08	179.98
02/26/2018 18:16	Money Order Deposit	Batch Number: 2018022622; Sender Name(Last/First): GEORGE/KILGORE;	200.00	234.04
02/26/2018 08:23	Canteen Purchase	Canteen Purchase - Order No: 6388907	-59.24	34.04
02/21/2018 08:24	Canteen Purchase	Canteen Purchase - Order No: 6355814	-59.81	93.28
02/13/2018 08:37	Canteen Purchase	Canteen Purchase - Order No: 6319279	-92.59	153.09
02/10/2018 19:50	Payroll Tip	Location: CRCC; Payroll Cycle: 01/01/2018 : 01/31/2018; Auto Pay	8.50	245.68
02/05/2018 08:30	Canteen Purchase	Canteen Purchase - Order No: 6301498	-53.50	237.18
02/04/2018 15:01	Kiosk Purchase	Kiosk Purchase	-10.00	290.68
02/02/2018 18:16	Money Order Deposit	Batch Number: 2018020208; Sender Name(Last/First): GEORGE/KILGORE;	200.00	300.68
01/29/2018 08:43	Canteen Purchase	Canteen Purchase - Order No: 6286164	-83.57	100.68
01/23/2018 08:52	Canteen Purchase	Canteen Purchase - Order No: 6287412	-69.54	164.25
01/17/2018 18:15	Money Order Deposit	Batch Number: 2018011720; Sender Name(Last/First): GEORGE/KILGORE;	200.00	233.79
01/16/2018 08:24	Canteen Purchase	Canteen Purchase - Order No: 6238025	-81.89	33.79
01/12/2018 16:08	Kiosk Purchase	Kiosk Purchase	-10.00	115.48

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