

18-9580

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
APR 23 2019
OFFICE OF THE CLERK

Bobby Devers — PETITIONER
(Your Name)

VS.

State of Iowa — 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):

~~The Iowa District Court, the Iowa Supreme Court, and The United States District 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.

Bobby Devers
(Signature)

Robert A. Hartis 4/21/19
ROBERT A. HARTIS
COMMISSION NO. 779128
MY COMMISSION EXPIRES
6/27/19
IOWA

RECEIVED
APR 30 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, BOBBY DEVERS; 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	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ 0	\$ 0	\$ 0	\$ -0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): <u>Prison</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

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
N/A			\$
			\$
			\$

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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ N/A
 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
	\$	\$
	\$	\$
	\$	\$

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

- Home Value _____
- Other real estate Value _____
- Motor Vehicle #1 Year, make & model _____ Value _____
- Motor Vehicle #2 Year, make & model _____ Value _____
- Other assets
 Description Prison T.V
 Value Less than \$100.00

* N/A indicates that this is not applicable to the petitioner because he is an indigent prisoner whom is NOT married.

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>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
<u>N/A</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>N/a</u>	\$ <u>N/a</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>N/a</u>	\$ <u>N/a</u>
Home maintenance (repairs and upkeep)	\$ <u>N/a</u>	\$ <u>N/a</u>
Food	\$ <u>\$35.00</u>	\$ <u>N/a</u>
Clothing	\$ <u>N/a</u>	\$ <u>N/a</u>
Laundry and dry-cleaning	\$ <u>N/a</u>	\$ <u>N/a</u>
Medical and dental expenses	\$ <u>\$3.00</u>	\$ <u>N/a</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>48.00</u>	\$ <u>N/A</u>

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? _____

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? _____

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

I am indigent prisoner. We are not paid "WAGES" but given what is called a "GRATUITOUS ALLOWANCE" for work. I use this money for food, hygiene and a few sundries. I cannot pay for this action.

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

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

Executed on: April 21st, 2019

Bobby Ray Devers
(Signature)

Robert A. Hartig 4/21/19


CA4025

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

BOBBY RAY DEVERS
Plaintiff/Petitioner
vs.
STATE OF IOWA
Defendant/Respondent

CASE NO. 04781 PCCV115823

ORDER

Attorneys:

MARK C SMITH

MARGARET JANE POPP REYES
POTTAWATTAMIE COUNTY ATTORNEY'S OFFICE
ATTORNEY GENERAL'S OFFICE

KEVIN R CMELIK
BOBBY RAY DEVERS

Original Charge:

This matter comes before the Court on Application for Postconviction Relief. Petitioner has applied to proceed in Forma Pauperis and has requested appointment of counsel. Petitioner is in the custody of the Iowa Department of Corrections and is indigent. Petitioner shall be allowed to file an application without prepayment of filing fees. Pursuant to Iowa Code Section 822.5, the Clerk of Court is directed to file Petitioner's application without advance filing of court costs or service fees. An attorney should be appointed to represent Petitioner in these proceedings at State expense.

IT IS THEREFORE ORDERED attorney, Joel Baxter, is appointed to represent Petitioner at State expense.

IT IS FURTHER ORDERED that Petitioner's application to proceed in Forma Pauperis is sustained, and the Clerk of Court is directed to file this application without advance payment of filing fees, service fees or other costs.



State of Iowa Courts

Case Number
PCCV115823
Type:

Case Title
BOBBY RAY DEVERS VS STATE OF IOWA
OTHER ORDER

So Ordered

A handwritten signature in black ink, reading "Mark J. Eveloff".

Mark J. Eveloff, District Court Judge,
Fourth Judicial District of Iowa

Electronically signed on 2018-01-25 15:21:17