

No. 19-7524

ORIGINAL

FILED

JAN 22 2020

OFFICE OF THE CLERK  
SUPREME COURT U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

IN RE: LEXTER KENNON KOSSIE,

PETITIONER,

VS.

LORI DAVIS, Director,  
Texas Department of Criminal  
Justice Institution Division,

RESPONDENT.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached Original Petition For Writ Of Habeas Corpus without prepayment of costs and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the United States District Court for the Southern District of Texas.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

/s/ *Lexter Kossie*  
Lexter Kennon Kossie  
TDCJ #700661-McConnell  
3001 South Emily Drive  
Beeville, Texas 78102

PRO SE PETITIONER

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

I, Lexter Kennon Kossie, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>2,466</u>	\$ <u>0</u>	\$ <u>2,466</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Wife</u>	\$ <u>100.00</u>	\$ <u>0</u>	\$ <u>100.00</u>	\$ <u>0</u>
<b>Total monthly income:</b>	\$ <u>100.00</u>	\$ <u>0</u>	\$ <u>100.00</u>	\$ <u>0</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
Unemployed	-NA-	-NA-	\$ -NA-
Unemployed	-NA-	-NA-	\$ -NA-
Unemployed	-NA-	-NA-	\$ -NA-

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
Retired	-NA-	-NA-	\$ -NA-
Retired	-NA-	-NA-	\$ -NA-
Retired	-NA-	-NA-	\$ -NA-

4. How much cash do you and your spouse have? \$ 15.00

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
Checking Account	\$ 0	\$ 5.00
Savings Account	\$ 0	\$ 15.00
	\$	\$

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

☒ Home

Value \$133.331

☐ Other real estate

Value -NA-

☒ Motor Vehicle #1

Year, make & model 2000 Toyota

Value \$2,000.00

☐ Motor Vehicle #2

Year, make & model -NA-

Value -NA-

☐ Other assets

Description NONE

Value NONE

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**

No One

\$ Nothing

\$ Nothing

\$

\$

\$

\$

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**

Lexter Kennon Kossie

Husband

64 years old

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)

\$ 0

\$ 0

Are real estate taxes included? ☒ Yes ☐ No

Is property insurance included? ☒ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ 0

\$ 290.00

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 100.00

\$ 300.00

Clothing

\$ 0

\$ 100.00

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 3,735.00

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>75.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>100.00</u>
Health	\$ <u>0</u>	\$ <u>568.00</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>- NA -</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>IRS Payments</u>	\$ <u>0</u>	\$ <u>          .00.00</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>2,000.00</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>- NA -</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>- NA -</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly expenses:</b>	\$ <u>100.00</u>	\$ <u>2,743.00</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? -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 am presently incarcerated in Texas Department of Criminal Justice. The prison system does not pay inmates or allow them to run any type of business. I only received \$100.00 per month from my wife and sometimes my mother sends \$25 to \$40 when she can afford to.

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

Executed on: January 21<sup>st</sup>, 2020

Lester Kessie  
(Signature)