

No. 19-7619

ORIGINAL

Supreme Court, U.S.
FILED

JAN 12 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

THERIAN WINBUSH — PETITIONER
(Your Name)

VS.

GWINNETT COUNTY JAIL — RESPONDENT(S)
et seq.

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):

USDC ND Ga., USDC MD Ga., US Court of Appeals for the 11th Cir., Supreme Court of Georgia, Court of Appeals of Georgia

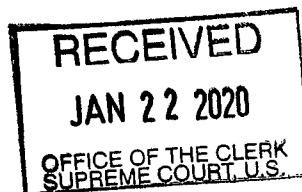
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ 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.



Daniel W.

(Signature)

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

I, Therian Wimbush, 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>0</u>	\$ <u>0</u>	\$ <u>0</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>NA</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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
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? \$ 0
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
N/A	\$	\$
	\$	\$
	\$	\$

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 _____

☐ Motor Vehicle #2
Year, make & model N/A
Value _____

☐ Other assets
Description N/A
Value _____

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>B.W., Jr., J.G.W., H.R.W.,</u>	<u>children</u>	<u>19 and under</u>
<u>F.I.W., L.M.W., I.J.W., J.I.W.</u>	_____	_____
<u>S.G.W., E.S.W., P.M.W.</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>Ø</u>	\$ <u>Ø</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>Ø</u>	\$ <u>Ø</u>
Home maintenance (repairs and upkeep)	\$ <u>Ø</u>	\$ <u>Ø</u>
Food	\$ <u>Ø</u>	\$ <u>Ø</u>
Clothing	\$ <u>Ø</u>	\$ <u>Ø</u>
Laundry and dry-cleaning	\$ <u>Ø</u>	\$ <u>Ø</u>
Medical and dental expenses	\$ <u>Ø</u>	\$ <u>Ø</u>

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

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

My husband and I have been incarcerated since June 27, 2014.

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

Executed on: January 12, 20 20

Brian C. Wines

(Signature)

RETURN TO:

**DAVID BUNT, CLERK
UNITED STATES DISTRICT COURT
COURT MIDDLE DISTRICT OF
GEORGIA P.O. BOX 128
MACON, GEORGIA 31202**

**Re: THERIAN WIMBUSH
Plaintiff/petitioner**

**1001955340
Prisoner Number/GDC**

E8A

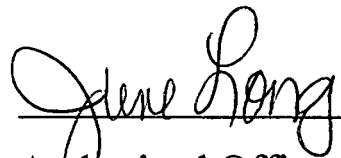
CERTIFICATE

I herby certify that the plaintiff/petitioner hereinabove named has an average monthly receipt balance for the last 6 months of \$ 4.17 on account to his/her credit at the PULASKI STATE PRISON institution where (s)he is confined. I further certify that the plaintiff/petitioner likewise has the following securities to his/her credit according to the records of this institution: NONE
KNOWN

(If not confined for a full 6 months, specify the number of months confined, and then compute the average monthly receipt balance based on that number of months.) _____

PRESENT BALANCE ON HAND IN PRISONER ACCOUNT: \$ 0.00

Dated this 25TH day of NOVEMBER . 2019



Authorized Officer of Institution

**Account Parapro
Title**

ATTACH COMPUTER PRINTOUT OF ACCOUNT IF AVAILABLE

Account Statement

WIMBUSH, THERIAN

Printed By:

LONG, JUNE

GDC ID: 1001955340

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$4,717.82

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
10/18/2019	19979749	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 107161040	\$25.00
01/08/2018	17667218	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 80655150	\$25.00
07/09/2017	17043433	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 74076719	\$50.00
07/03/2017	17023637	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 73871133	\$50.00
06/26/2017	16999102	MAIL ROOM RECEIPT	GWINNETT CO - 37662	\$60.13
06/26/2017	16995138	JPAY DEPOSIT RECEIPT	JPAY - VICKERS, TEISHA - 73593165	\$25.00
05/29/2017	16900058	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 72639580	\$200.00
05/15/2017	16853068	JPAY DEPOSIT RECEIPT	JPAY - VICKERS, TEISHA - 72194102	\$30.00
05/09/2017	16835229	MAIL ROOM RECEIPT	GWINNETT CO - 37120	\$80.00
05/08/2017	16826880	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 71940992	\$100.00
04/24/2017	16776629	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, JACQUELYN - 71422303	\$50.00
04/17/2017	16748556	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, JACQUELYN - 71175073	\$100.00
04/17/2017	16747903	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 71167826	\$300.00
04/17/2017	16747536	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, JACQUELYN - 71162617	\$200.00
04/05/2017	16709485	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, THEODIS - 70765084	\$5.00
03/28/2017	16678707	JPAY DEPOSIT RECEIPT	JPAY - HARRIS, JACQUELYN - 70449145	\$20.00
02/10/2017	16507317	MAIL ROOM RECEIPT	GWINNETT CO - 36050	\$24.41

WITHDRAWALS

Date	Request Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
10/18/2019		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	FEDERAL COURT - ATLANTA DIVISION	RECORD ID = 23587012. DIST DOCKET NO: 1:16-CV-00363-LMM, RB RUSSELL FED BLDG, ATLANTA, GA 30303	\$5.00	182018
10/18/2019		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 10/2019	\$1.00	181914
10/18/2019		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	PULASKI COUNTY	RECORD ID = 23388622. CIVIL ACTION NO. 2017V-15363	\$19.00	182106
01/08/2018		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	PULASKI COUNTY	RECORD ID = 23388622. CIVIL ACTION NO. 2017V-15363	\$19.00	161955

Account Statement

17 Total Pages

Account Statement

WIMBUSH, THERIAN

Printed By:

LONG, JUNE

GDC ID: 1001955340

Date	Request Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
01/08/2018		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	FEDERAL COURT - ATLANTA DIVISION	RECORD ID = 23587012. DIST DOCKET NO: 1:16-CV-00363-LMM, RB RUSSELL FED BLDG, ATLANTA, GA 30303	\$5.00	161862
01/08/2018		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 01/2018	\$1.00	161821
07/13/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	PULASKI COUNTY	RECORD ID = 23388622. CIVIL ACTION NO. 2017V-15363	\$2.04	156606
07/13/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	\$4.70	BOA ACH-2010000101
07/12/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	(\$6.74)	BOA ACH-2010000101
07/11/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	PULASKI COUNTY	RECORD ID = 23388622. CIVIL ACTION NO. 2017V-15363	\$14.62	156606
07/10/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	PULASKI STATE PRISON	TELEPHONE MINUTES PURCHASE	\$30.00	JPAY-2020000012
07/10/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	\$55.00	BOA ACH-2010000101
07/03/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	PULASKI STATE PRISON	TELEPHONE MINUTES PURCHASE	\$15.00	JPAY-2020000011
07/03/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	\$25.42	BOA ACH-2010000101
07/02/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR JPAY KIOSK	JPAY CORPORATION	KIOSK PURCHASE @ PULASKI STATE PRISON - JPAY JPAY DOLLAR PURCHASE	\$20.00	155801
07/01/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 07/2017	\$1.00	156419
06/27/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	\$22.45	BOA ACH-2010000100
06/27/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	PULASKI STATE PRISON	TELEPHONE MINUTES PURCHASE	\$10.00	JPAY-2020000010
06/05/2017		CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	PULASKI STATE PRISON	STORE PURCHASE	\$87.11	BOA ACH-2010000100
06/01/2017		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 06/2017	\$1.00	155767