

No. **19-8226**

**ORIGINAL**

Supreme Court, U.S.  
FILED  
**MAR 30 2020**  
OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

DAVID PHIPPS — PETITIONER  
(Your Name)

MICHAEL MILLER, WARDEN VS. CHERRY COUNTY CORRECTIONAL FACILITY  
RICK RALMISCH, DIRECTOR CDC — RESPONDENT(S)  
PHILIP J. WEISER, ATTORNEY GENERAL; STATE OF COLORADO

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):

JEFFERSON County Court, JEFFERSON County Colorado; Colorado Court of Appeals, Colorado Supreme Court  
UNITED STATES DISTRICT COURT, DIST. OF Colorado; UNITED STATES COURT OF APPEALS FOR THE 10<sup>th</sup> CIR

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

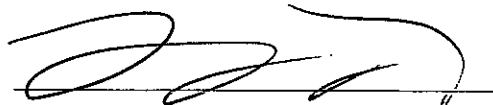
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ 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)

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

I, RANDY PHIPPS, 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	\$ 85.00	\$ n/a	\$ 65.00	\$ n/a
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify): <u>n/a</u>	\$ 0	\$	\$ 0	\$
<b>Total monthly income:</b>	\$ 85.00	\$	\$ 65.00	\$

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
CDDC	CLEF PO. BOX 100 CLARK SPRINGS, CO 80416-2	9-2016 TO PRESENT	\$ 85.00
			\$
			\$

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	\$ 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	\$ N/A	\$ N/A
	\$	\$
	\$	\$

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

<input type="checkbox"/> Home Value <u>N/A</u>	<input type="checkbox"/> Other real estate Value <u>N/A</u>
<input type="checkbox"/> Motor Vehicle #1 Year, make & model <u>N/A</u> Value <u>N/A</u>	<input type="checkbox"/> Motor Vehicle #2 Year, make & model <u>N/A</u> Value <u>N/A</u>
<input type="checkbox"/> Other assets Description <u>N/A</u> Value <u>N/A</u>	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

N/A

Amount owed to you

\$ N/A

Amount owed to your spouse

\$ N/A

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

N/A

Relationship

N/A

Age

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, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment  
(include lot rented for mobile home)

\$ 0

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <del>0</del>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <del>0</del>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <del>0</del>	\$ _____
Life	\$ <del>0</del>	\$ _____
Health	\$ <del>0</del>	\$ _____
Motor Vehicle	\$ <del>0</del>	\$ _____
Other: <u>N/A</u>	\$ <del>0</del>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <del>0</del>	\$ _____
Installment payments		
Motor Vehicle	\$ <del>0</del>	\$ _____
Credit card(s)	\$ <del>0</del>	\$ _____
Department store(s)	\$ <del>0</del>	\$ _____
Other: <u>N/A</u>	\$ <del>0</del>	\$ _____
Alimony, maintenance, and support paid to others	\$ <del>0</del>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <del>0</del>	\$ _____
Other (specify): <u>N/A</u>	\$ <del>0</del>	\$ _____
<b>Total monthly expenses:</b>	\$ <del>0</del>	\$ _____

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? n/a

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? n/a

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

n/a

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

*I AM AN INDIGENT PRISONER*

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

Executed on: MARCH 30, 2020

  
(Signature)

Account: 156655 PHIPPS, RANDY S

CROWLEY

CRLY/UNIT6

To:From Dates 09/01/2019: 03/24/2020

Trans Date	Description	Deposits	Withdrawls	Balance	Loc
09/01/2019	BALANCE AS OF 09/01/2019			132.96	
09/04/2019	Canteen Ord#14562544		64.24	68.72	CL
09/06/2019	1 STUDENT	18.92		87.64	CL
09/11/2019	Canteen Ord#14596264		53.82	33.82	CL
09/18/2019	Canteen Ord#14611870		24.76	9.06	CL
09/19/2019	TIPS CREDIT	112.79		121.85	CL
09/26/2019	Canteen Cred#14632220	0.31		122.16	CL
09/30/2019	CHILD SUPPORT-12335501		13.17	108.99	CL
09/30/2019	RESTITUTION-11CR961		13.17	95.82	CL
10/02/2019	Canteen Ord#14641940		56.91	38.91	CL
10/03/2019	1 STUDENT	18.06		56.97	CL
10/08/2019	POSTAGE-DEBIT		1.10	55.87	CL
10/08/2019	XEROX-DEBIT		1.00	54.87	CL
10/09/2019	Canteen Ord#14668591		29.64	25.23	CL
10/17/2019	Canteen Ord#14683753		11.75	13.48	CL
10/23/2019	Canteen Ord#14700967		9.24	4.24	CL
10/29/2019	TIPS CREDIT	74.33		78.57	CL
10/31/2019	CHILD SUPPORT-12335501		9.24	69.33	CL
10/31/2019	RESTITUTION-11CR961		9.24	60.09	CL
11/06/2019	Canteen Ord#14729665		54.33	5.76	CL
11/06/2019	1 STUDENT	19.78		25.54	CL
11/15/2019	Canteen Ord#14757539		20.39	5.15	CL
11/26/2019	Canteen Ord#14785814		0.84	4.31	CL
11/26/2019	TIPS CREDIT	139.59		143.90	CL
11/26/2019	XEROX-DEBIT		1.50	142.40	CL
11/27/2019	CHILD SUPPORT-12335501		15.94	126.46	CL
11/27/2019	RESTITUTION-11CR961		15.94	110.52	CL
12/02/2019	Canteen Cred#14793210	0.81		111.33	CL
12/04/2019	Canteen Ord#14799594		79.67	31.66	CL
12/04/2019	POSTAGE-DEBIT		1.10	30.56	CL
12/04/2019	WESTERN UNION CREDIT	100.00		130.56	CL
12/06/2019	1 STUDENT	18.06		148.62	CL
12/10/2019	Canteen Cred#14819603	4.69		153.31	CL
12/11/2019	Canteen Ord#14824813		51.03	102.28	CL
12/17/2019	Canteen Ord#14843375		8.24	94.04	CL
12/19/2019	JPAY CREDIT	150.00		244.04	CL
12/26/2019	TIPS CREDIT	119.62		363.66	CL
12/31/2019	CHILD SUPPORT-12335501		38.77	324.89	CL
12/31/2019	RESTITUTION-11CR961		38.77	286.12	CL
01/03/2020	WESTERN UNION CREDIT	100.00		386.12	CL
01/08/2020	Canteen Ord#14896644		346.71	39.41	CL
01/08/2020	1 STUDENT	18.92		58.33	CL
01/09/2020	POSTAGE-DEBIT		2.90	55.43	CL
01/09/2020	XEROX-DEBIT		1.50	53.93	CL
01/15/2020	Canteen Ord#14913661		18.38	35.55	CL
01/23/2020	TIPS CREDIT	117.97		153.52	CL
01/28/2020	Canteen Ord#14944129		43.60	109.92	CL
01/31/2020	CHILD SUPPORT-12335501		23.69	86.23	CL
01/31/2020	RESTITUTION-11CR961		23.69	62.54	CL
02/01/2020	Canteen Cred#14952450	2.52		65.06	CL
02/05/2020	Canteen Ord#14960264		50.99	14.07	CL
02/07/2020	1 STUDENT	19.78		33.85	CL
02/12/2020	Canteen Ord#14982225		26.53	7.32	CL
02/21/2020	TIPS CREDIT	175.22		182.54	CL
02/24/2020	Canteen Cred#15009930	16.62		199.16	CL
02/26/2020	Canteen Ord#15015840		83.01	116.15	CL
02/27/2020	Canteen Cred#15016000	2.42		118.57	CL

02/28/2020	CHILD SUPPORT	35501	19.50	99.07	CL
02/28/2020	RESTITUTION-111	61	19.50	79.57	CL
03/04/2020	Canteen Ord#15028548		50.64	28.93	CL
03/06/2020	1 STUDENT	17.20		46.13	CL
03/11/2020	Canteen Ord#15052706		38.51	7.62	CL
03/24/2020	BALANCE AS OF 03/24/2020			7.62	

Total money order in hold:	0.00
Current balance as of 03/24/2020:	7.62
**Reserved/Encumbered Monies:	7.29
Available money as of 03/24/2020:	0.33

I certify to the best of my knowledge that this statement is  
an accurate account detail report or institutional  
equivalent for the offender named below.

Offender: PHAPPS, RANDY S

DOC #

156655



03/24/20

J. Sponsler - Library Aide - Date