

20-5127

No. 19-1449

(D.C. No 1:19-CV-01624-LTB-GPG

(D-Colo.)

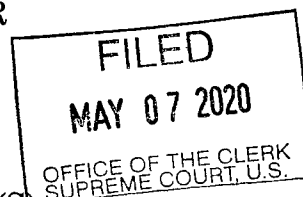
ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Thomas Eric Espinoza — PETITIONER  
(Your Name)

THE PEOPLE OF THE STATE OF COLORADO VS  
; Mr. Jacqu S. Warden of LCF — RESPONDENT(S)  
THE ATTORNEY GENERAL OF THE 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):  
\_\_\_\_\_  
\_\_\_\_\_

☐ 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.

Thomas Espinoza  
(Signature)

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

I, Thomas Eric Espinoza, 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>70.00</u>	\$ <u>NA</u>	\$ <u>5.50</u>	\$ <u>NA</u>
Self-employment	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Gifts	\$ <u>500.00</u>	\$ <u>NA</u>	\$ <u>30.00</u>	\$ <u>NA</u>
Alimony	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Child Support	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
Other (specify): <u>None</u>	\$ <u>None</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</u>
<b>Total monthly income:</b>	\$ <u>5.50</u>	\$ <u>NA</u>	\$ <u>None</u>	\$ <u>NA</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
D.O.C	State of Colorado	6-1-2018	\$ 5.50
D.O.C	State of Colorado	6-1-2019	\$ 5.50
D.O.C	State of Colorado	6-1-2020	\$ 5.50

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
NA	NA	NA	\$ NA

4. How much cash do you and your spouse have? \$ None  
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
NONE	\$ NA	\$ NA

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

☐ Home  
Value NA

☐ Other real estate  
Value NA

☐ Motor Vehicle #1  
Year, make & model NA  
Value None

☐ Motor Vehicle #2  
Year, make & model NA  
Value None

☐ Other assets  
Description NA None  
Value NA

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

Person owing you or your spouse money

NA

Amount owed to you

\$ NA

Amount owed to your spouse

\$ NA

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

NA

Relationship

NA

Age

NA

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)

\$ NA

\$ NA

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ NA

\$ NA

Home maintenance (repairs and upkeep)

\$ NA

\$ NA

Food

\$ 2.00

\$ NA

Clothing

\$ NA

\$ NA

Laundry and dry-cleaning

\$ NA

\$ NA

Medical and dental expenses

\$ 3.00

\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NA</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>NA</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>NA</u>	\$ <u>NA</u>
Life	\$ <u>NA</u>	\$ <u>NA</u>
Health	\$ <u>NA</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Other: <u>None</u>	\$ <u>NA</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>None</u>	\$ <u>NA</u>	\$ <u>NA</u>
Installment payments		
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Credit card(s)	\$ <u>NA</u>	\$ <u>NA</u>
Department store(s)	\$ <u>NA</u>	\$ <u>NA</u>
Other: <u>None</u>	\$ <u>NA</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ <u>NA</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): <u>None</u>	\$ <u>NA</u>	\$ <u>NA</u>
<b>Total monthly expenses:</b>	\$ <u>NA</u>	\$ <u>NA</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:

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:

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

*I have been in prison for the last 16 and half years with very limited support from my family. I am not permitted to work in good jobs in C.D.O.C that would permit me to make better money.*

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

Executed on: July 12, 2020, 

Thomas Eric Espinoza  
(Signature)



# STATEMENT OF ACCOUNT ACTIVITY



141356 - ESPINOZA, THOMAS E

Facility: LIMON CF, LCF/UNIT1

Date/Time Printed: 06/10/2020 09:35 AM

Statement Period: 12/10/2019 - 06/10/2020

Date:Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
12/10/2019 00:00	Beginning Balance	0.00	1.11	1.11			1.81	-0.70	
12/12/2019 12:35	XEROX-DEBIT	-1.50	-0.39	0.00		0.00	1.81	-1.81	LF
12/13/2019 23:24	JPAY CREDIT	99.00	98.61	98.61	MANDATORY	19.80	21.61	77.00	LF
12/17/2019 15:37	XEROX-DEBIT	-1.00	97.61	97.61		0.00	21.61	76.00	LF
12/19/2019 08:04	Canteen #14853701 Hold	0.00		97.61	CANTEEN	53.31	74.92	22.69	
12/19/2019 13:09	XEROX-DEBIT	-6.50	91.11	91.11		0.00	74.92	16.19	LF
12/20/2019 05:18	Canteen Ord#14853701	-53.31	37.80	37.80		0.00	21.61	16.19	LF
12/24/2019 23:25	JPAY CREDIT	100.00	137.80	137.80	MANDATORY	20.00	41.61	96.19	LF
12/27/2019 07:02	Canteen #14867769 Hold	0.00		137.80	CANTEEN	25.72	67.33	70.47	
12/30/2019 07:09	Canteen Ord#14867769	-25.72	112.08	112.08		0.00	41.61	70.47	LF
12/30/2019 23:39	MEDICAL APPOINT	-3.00	109.08	109.08		0.00	41.61	67.47	LF
12/31/2019 00:29	RESTITUTION-04CR47	-41.61	67.47	67.47		0.00	0.00	67.47	LF
01/02/2020 15:20	Canteen #14883974 Hold	0.00		67.47	CANTEEN	15.26	15.26	52.21	
01/06/2020 08:23	Canteen #14891662 Hold	0.00		67.47	CANTEEN	30.06	45.32	22.15	
01/06/2020 17:25	1 STUDENT	9.46	76.93	76.93	MANDATORY	1.89	47.21	29.72	LF
01/07/2020 07:12	Canteen Ord#14891662	-30.06	46.87	46.87		0.00	17.15	29.72	LF
01/13/2020 06:29	Canteen #14908580 Hold	0.00		46.87	CANTEEN	19.65	36.80	10.07	
01/13/2020 23:29	DENTAL APPOINT	-3.00	43.87	43.87		0.00	36.80	7.07	LF
01/14/2020 05:51	Canteen Ord#14908580	-19.65	24.22	24.22		0.00	17.15	7.07	LF
01/17/2020 06:28	Canteen Ord#14883974	-15.26	8.96	8.96		0.00	1.89	7.07	LF
01/17/2020 07:07	Canteen Cred#14923806	6.70	15.66	15.66		0.00	1.89	13.77	LF
01/24/2020 07:55	Canteen #14940976 Hold	0.00		15.66	CANTEEN	13.21	15.10	0.56	
01/25/2020 23:27	MEDICAL APPOINT	-3.00	12.66	12.66		0.00	15.10	-2.44	LF
01/27/2020 08:07	Canteen Ord#14940976	-13.21	-0.55	0.00		0.00	1.89	-1.89	LF
01/28/2020 11:07	Canteen Cred#14946342	12.16	11.61	11.61		0.00	1.89	9.72	LF
01/28/2020 12:53	XEROX-DEBIT	-0.75	10.86	10.86		0.00	1.89	8.97	LF
01/31/2020 00:28	RESTITUTION-04CR47	-1.89	8.97	8.97		0.00	0.00	8.97	LF
02/03/2020 16:53	1 UNA AVAILABLE	6.27	15.24	15.24	MANDATORY	1.25	1.25	13.99	LF
02/06/2020 15:47	1 STUDENT	1.72	16.96	16.96	MANDATORY	0.34	1.59	15.37	LF
02/14/2020 06:21	Canteen #14993759 Hold	0.00		16.96	CANTEEN	13.48	15.07	1.89	
02/14/2020 07:57	Canteen Cred#14993410	9.21	26.17	26.17		0.00	15.07	11.10	LF

*Chansen 1 of 3 pages*

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# STATEMENT OF ACCOUNT ACTIVITY

Date:Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
02/18/2020 07:04	Canteen Ord#14993759	-13.48	12.69	12.69		0.00	1.59	11.10	LF
02/21/2020 08:11	Canteen #15006278 Hold	0.00		12.69	CANTEEN	10.58	12.17	0.52	
02/24/2020 07:14	Canteen Ord#15006278	-10.58	2.11	2.11		0.00	1.59	0.52	LF
02/26/2020 10:49	LIGHT BULBS DEBIT	-0.50	1.61	1.61		0.00	1.59	0.02	LF
02/28/2020 00:32	RESTITUTION-04CR47	-1.59	0.02	0.02		0.00	0.00	0.02	LF
03/03/2020 10:38	PAYROLL-CREDIT	2.64	2.66	2.66	MANDATORY	0.53	0.53	2.13	LF
03/05/2020 16:31	1 UNA INMATES	3.96	6.62	6.62	MANDATORY	0.79	1.32	5.30	LF
03/06/2020 08:20	Canteen #15045141 Hold	0.00		6.62	CANTEEN	2.00	3.32	3.30	
03/09/2020 09:58	Canteen Ord#15045141	-2.00	4.62	4.62		0.00	1.32	3.30	LF
03/10/2020 23:41	JPAY CREDIT	30.00	34.62	34.62	MANDATORY	6.00	7.32	27.30	LF
03/13/2020 07:43	Canteen #15061561 Hold	0.00		34.62	CANTEEN	21.17	28.49	6.13	
03/16/2020 06:31	Canteen Ord#15061561	-21.17	13.45	13.45		0.00	7.32	6.13	LF
03/16/2020 06:36	Canteen Cred#15063995	1.62	15.07	15.07		0.00	7.32	7.75	LF
03/20/2020 09:49	Canteen #15080695 Hold	0.00		15.07	CANTEEN	7.14	14.46	0.61	
03/24/2020 06:17	Canteen Ord#15080695	-7.14	7.93	7.93		0.00	7.32	0.61	LF
03/24/2020 14:17	POSTAGE-DEBIT	-0.20	7.73	7.73		0.00	7.32	0.41	LF
03/24/2020 14:35	XEROX-DEBIT	-5.50	2.23	2.23		0.00	7.32	-5.09	LF
03/31/2020 00:40	RESTITUTION-04CR47	-7.32	-5.09	0.00		0.00	0.00	0.00	LF
04/06/2020 16:06	1 CUSTODIAN	5.59	0.50	0.50	MANDATORY	1.12	1.12	-0.62	LF
04/06/2020 16:54	1 UNA INMATES	2.97	3.47	3.47	MANDATORY	0.59	1.71	1.76	LF
04/10/2020 07:23	Canteen #15128726 Hold	0.00		3.47	CANTEEN	1.71	3.42	0.05	
04/13/2020 06:10	Canteen Ord#15128726	-1.71	1.76	1.76		0.00	1.71	0.05	LF
04/20/2020 23:23	JPAY CREDIT	55.00	56.76	56.76	MANDATORY	11.00	12.71	44.05	LF
04/23/2020 08:00	Canteen #15157124 Hold	0.00		56.76	CANTEEN	38.48	51.19	5.57	
04/27/2020 08:00	Canteen Ord#15157124	-38.48	18.28	18.28		0.00	12.71	5.57	LF
04/30/2020 00:29	RESTITUTION-04CR47	-12.71	5.57	5.57		0.00	0.00	5.57	LF
05/01/2020 08:36	Canteen #15168627 Hold	0.00		5.57	CANTEEN	5.00	5.00	0.57	
05/01/2020 15:58	POSTAGE-DEBIT	-0.15	5.42	5.42		0.00	5.00	0.42	LF
05/04/2020 23:31	JPAY CREDIT	70.00	75.42	75.42	MANDATORY	14.00	19.00	56.42	LF
05/05/2020 06:31	Canteen Ord#15168627	-5.00	70.42	70.42		0.00	14.00	56.42	LF
05/06/2020 15:47	1 CUSTODIAN	9.46	79.88	79.88	MANDATORY	1.89	15.89	63.99	LF
05/08/2020 06:34	Canteen #15191817 Hold	0.00		79.88	CANTEEN	58.28	74.17	5.71	
05/12/2020 07:05	Canteen Ord#15191817	-58.28	21.60	21.60		0.00	15.89	5.71	LF
05/12/2020 15:48	POSTAGE-DEBIT	-1.15	20.45	20.45		0.00	15.89	4.56	LF
05/15/2020 07:32	Canteen #15206852 Hold	0.00		20.45	CANTEEN	4.18	20.07	0.38	
05/18/2020 08:55	Canteen Ord#15206852	-4.18	16.27	16.27		0.00	15.89	0.38	LF
05/24/2020 23:28	GTL CREDIT	10.00	26.27	26.27	MANDATORY	2.00	17.89	8.38	LF
05/29/2020 00:39	RESTITUTION-04CR47	-17.89	8.38	8.38		0.00	0.00	8.38	LF
05/29/2020 07:40	Canteen #15231515 Hold	0.00		8.38	CANTEEN	7.54	7.54	0.84	





# STATEMENT OF ACCOUNT ACTIVITY

Date:Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
05/29/2020 12:52	Canteen Ord#15231515	-7.54	0.84	0.84		0.00	0.00	0.84	LF
06/04/2020 23:24	JPAY CREDIT	43.00	43.84	43.84	MANDATORY	8.60	8.60	35.24	LF
06/05/2020 07:02	Canteen #15251858 Hold	0.00		43.84	CANTEEN	5.00	13.60	30.24	
06/05/2020 16:35	1 CUSTODIAN	9.03	52.87	52.87	MANDATORY	1.81	15.41	37.46	LF
06/09/2020 06:25	Canteen Ord#15251858	-5.00	47.87	47.87		0.00	10.41	37.46	LF
06/10/2020 23:58	Ending Balance	0.00	47.87	47.87		0.00	10.41	37.46	

**Total Deposits:** 487.79

**Total Withdrawals:** 441.03

Account Information as of 06/10/2020 09:34

Status: ACTIVE

Current Balance: \$47.87

Total Money In Hold: \$0.00

Total Reserved/Encumbered: \$10.41

Available Balance: \$37.46

## Statement Information

<b>Date:Time</b>	reflects the transaction date and time of deposits and withdrawals to the account during the statement period.
<b>Description</b>	is a brief memorandum describing the transaction.
<b>Tran Amt</b>	is the amount of the transaction; deposits are shown as a positive number, withdrawals are shown as a negative number.
<b>Balance</b>	is the actual balance of the account. All deposits and withdrawals are added and subtracted from the 'Balance'. If an account has a negative balance an 'Available Balance' will be derived according to AR 200-2.
<b>Available Before W/H</b>	is the derived available balance where 50% of deposits are made available when the actual account balance prior to deposit is a negative amount (Ref. AR 200-2). This amount is derived prior to mandatory withholding.
<b>Encumbrances</b>	are amounts placed on hold pending further processing by the banking system, such as when a canteen order is posted or a deposit is subject to mandatory garnishment rules. The amount, type of hold, and a total (as of the Date:Time) is reported.
<b>Available Balance</b>	shows monies available for withdrawal at the end of the transaction. The time precision for all transactions is to the minute; encumbrance total may duplicate for multiple transactions if the transaction date and time are identical.
<b>FC</b>	(Facility Code) is the offender's facility assignment at the date and time the transaction was posted to the account, not the originating source of the transaction.

**NOTICE:** This statement may not include most recent Withdrawals or Deposits.

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