

No.

20-5906

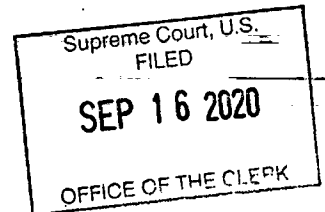
ORIGINAL

In The
Supreme Court of The United States

Demetrius Barber
Petitioner

vs,

James Burke; [REDACTED]; [REDACTED] "et al"
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.

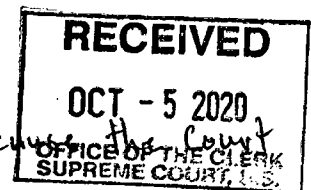
Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

☒ Petitioner's 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



below Appointed counsel in the current Proceeding, And:

☐ The Appointment was made under the following Provision of law! _____

☐ A copy of the order of Appointment is Appended.

Demetrius Baker
(Signature)

Taylor, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the appellant moves to proceed on appeal *in forma pauperis*, the prison authorities will be directed to collect the fees as calculated in this order.

■ The plaintiff is assessed an initial partial fee of \$5.17. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available, and forward it to the clerk of the district court.

■ Thereafter, the plaintiff shall pay \$499.83, the balance of the filing fees, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until appellant has paid the total filing fees of \$505.00. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available and when permitted by 28 U.S.C. § 1915(b)(2), and forward it to the clerk of the district court.

If the appellant moves to proceed on appeal *in forma pauperis*, the clerk shall mail a copy of this order to the inmate accounting office or other person(s) or entity with responsibility for collection and remitting to the district court interim filing payments on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

SO ORDERED, this, the 9th day of April, 2020.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE

Affidavit or Declaration

In Support of Motion For Leave To Proceed in Forma Pauperis

I, Demetrius Barber, 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.

I. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjusted 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	N/A	N/A	N/A	N/A
Self-employment	N/A	N/A	N/A	N/A
Income from real property (such as rental income)	N/A	N/A	N/A	N/A
Disability (such as social security, Insurance Payments)	N/A	N/A	N/A	N/A

Unemployment Payments You N/A Spouse N/A You N/A Spouse N/A

Public Assistance
(Such as Welfare) N/A N/A N/A N/A

Other (Specify) N/A N/A N/A N/A

Total monthly income: \$ N/A N/A N/A N/A

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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.)
N/A

4.) How much cash do you and 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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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 and Model

Value N/A

☐ Motor Vehicle #2

Year, Make and Model

Value N/A

☐ Other assets

Description

Value N/A

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.

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

You

Spouse

Are real estate Taxes included? Yes ☐ NO ☐
Is Property insurance included? Yes ☒ NO ☐

N/A

N/A

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

N/A

N/A

Home maintenance (repairs and upkeep)

N/A

N/A

Food

N/A

N/A

clothing

N/A

N/A

Laundry and dry-cleaning

N/A

N/A

Medical and dental expenses

N/A

N/A

Transportation (Not including motor
vehicle payments)

N/A

N/A

Recreation, entertainment, newspapers
Magazines, etc.

N/A

N/A

Insurance (not deducted from wages
or included in mortgage payments)

Homeowner's or renter's

N/A

N/A

Life

N/A

N/A

Health

N/A

N/A

Motor Vehicle

N/A

N/A

other!

N/A

N/A

Alimony, Maintenance, and Support Paid to others N/A N/A

Regular expenses for operation of business, Profession,
or farm (attach detailed statement) N/A N/A

Other (Specify): _____ N/A N/A

Total monthly expenses: N/A N/A

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. I have no life without the possibility of parole ~~and~~ sentence

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

Executed on: 9-13-20

Richard Baker
(Signature)