

No. 20-6258

ORIGINAL

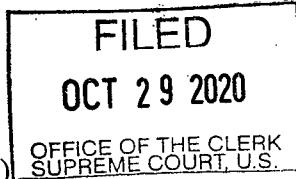
IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR LEE CAMPBELL — PETITIONER

(Your Name)

VS.

CYNTHIA GAUSE, 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):

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN

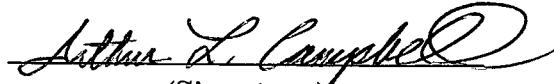
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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: _____
28 U.S.C. §1915, or

a copy of the order of appointment is appended.


(Signature)

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

I, ARTHUR L. CAMPBELL, 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>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>00.00</u>
Self-employment	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Gifts	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Alimony	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Child Support	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>71.14</u>	\$ <u>n/a</u>	\$ <u>71.14</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>00.00</u>	\$ <u>n/a</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>71.14</u>	\$ <u>n/a</u>	\$ <u>71.14</u>	\$ <u>n/a</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
<u>none</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>00.00</u>
<u>none</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>00.00</u>
<u>none</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>00.00</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.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>n/a</u>
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>n/a</u>
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>n/a</u>

4. How much cash do you and your spouse have? \$ 00.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>none</u>	<u>n/a 00.00</u>	\$ <u>n/a 00.00</u>	\$ <u>n/a 00.00</u>
<u>none</u>	<u>n/a</u>	\$ <u>n/a 00.00</u>	\$ <u>n/a 00.00</u>
<u>none</u>	<u>n/a</u>	\$ <u>n/a 00.00</u>	\$ <u>n/a 00.00</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 none

Other real estate

Value none

Motor Vehicle #1

Year, make & model none

Value 00.00

Motor Vehicle #2

Year, make & model none

Value 00.00

Other assets

Description none

Value 00.00

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
none	\$ 00.00	\$ n/a
none	\$ 00.00	\$ n/a
none	\$ 00.00	\$ n/a

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
none	n/a	n/a
none	n/a	n/a
none	n/a	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)	\$ 00.00	\$ n/a
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)	\$ 00.00	\$ n/a
Home maintenance (repairs and upkeep)	\$ 00.00	\$ n/a
Food	\$ 00.00	\$ n/a
Clothing	\$ 00.00	\$ n/a
Laundry and dry-cleaning	\$ 00.00	\$ n/a
Medical and dental expenses	\$ 00.00	\$ n/a

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>00.00</u>	\$ <u>n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>00.00</u>	\$ <u>n/a</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>00.00</u>	\$ <u>n/a</u>
Life	\$ <u>00.00</u>	\$ <u>n/a</u>
Health	\$ <u>00.00</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>00.00</u>	\$ <u>n/a</u>
Other: <u>none</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>none</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Installment payments		
Motor Vehicle	\$ <u>00.00</u>	\$ <u>n/a</u>
Credit card(s)	\$ <u>00.00</u>	\$ <u>n/a</u>
Department store(s)	\$ <u>00.00</u>	\$ <u>n/a</u>
Other: <u>none</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Alimony, maintenance, and support paid to others	\$ <u>00.00</u>	\$ <u>n/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>00.00</u>	\$ <u>n/a</u>
Other (specify): <u>none</u>	\$ <u>00.00</u>	\$ <u>n/a</u>
Total monthly expenses:	\$ <u>00.00</u>	\$ <u>n.a</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? 00.00

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? 00.00

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've been incarcerated in excess of thirty-five (35) years. The funds in my prison account are needed for basic necessities (i.e. Hygiene, commissary, health care co-pay, stationary, clothing, phone calls, postage, legal copies, etc).

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

Executed on: November 3, 2020


(Signature)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

Arthur Campbell,

Plaintiff(s),

v.

Case No. 5:10-cv-11371-JCO-RSW
Hon. John Corbett OMeara

Cynthia Gause, et al.,

Defendant(s),

ORDER OF ASSIGNMENT OF COUNSEL

The Court having identified that the above-named Plaintiff(s), presently proceeding in propria persona in this matter, would benefit from the assistance of counsel, and the below named attorney having indicated that he/she is willing to accept pro bono assignment in this matter;

IT IS ORDERED that Dante A. Stella, Matthew Dybas and Cale Johnson whose mailing address is:

Dykema Gossett (Detroit)
400 Renaissance Center
Detroit, MI 48243-1668

are hereby assigned to represent the above-named Plaintiff(s) in this matter, unless said assignment is terminated by (1) Order of the Court, (2) assignment of substitute counsel, or (3) termination of the matter before the Court.

IT IS FURTHER ORDERED that:

1. Assigned counsel be provided, without cost and upon his/her request, copies of all pleadings filed to date in the matter, and that he/she proceed as counsel of record from this date forward;
2. Assigned counsel may only request to withdraw from this matter through filing of a motion, with notice to Plaintiff(s), setting forth full particulars as to why such a motion should be granted.

s/R. Steven Whalen
R. Steven Whalen
U.S. Magistrate Judge

Certificate of Service

I hereby certify that this Notice was electronically filed, and the parties and/or counsel of record were served.

By: s/K. J. Grimes
Case Manager

Dated: April 1, 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR CAMPBELL, *et al.*,

Plaintiff, Civil No. 10-11371
-v- District Judge John Corbett O'Meara
Magistrate Judge R. Steven Whalen

CYNTHIA GAUSE, *et al.*,

Defendants.

**ORDER REMOVING PRO BONO COUNSEL, CONDITIONALLY
APPOINTING SUBSTITUTE COUNSEL, AND STAYING CASE**

In its opinion remanding this case [Doc. #101], the Sixth Circuit, noting certain issues regarding Mr. Campbell's former *pro bono* counsel, suggested that "circumstances may still exist that would warrant the appointment of substitute counsel to assist Campbell with filing a response to the defendants' renewed motion for summary judgment." I find that such circumstance do exist.

Therefore, attorney Rondald D. Diebel is removed as *pro bono* counsel, and shall have no further obligations in this case, except for providing substitute counsel with his file.¹

The Court will attempt to procure substitute *pro bono* counsel for Plaintiff. This case

¹ Mr. Diebel previously filed a motion to withdraw on July 16, 2013 [Doc. #84], which the Court denied [Doc. #85]. Based on subsequent events, including the Sixth Circuit's opinion, it is appropriate to revisit Mr. Diebel's request.

is STAYED for a period of 30 days from the date of this Order while substitute counsel is sought.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Date: November 18, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on November 18, 2015, electronically and/or by U.S. mail.

s/C. Ciesla

Case Manager