
IN THE
Supreme Court of the United States

CYNTHIA HUDSON,

Petitioner

vs.

BOBBY LUMPKIN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

PETITIONER’S MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS*

TO THE HONORABLE SUPREME COURT OF THE UNITED STATES:

NOW COMES Petitioner CYNTHIA HUDSON, who files Petitioner’s
Motion for Leave to Proceed *In Forma Pauperis*, and would respectfully state as
follows:

Petitioner seeks a petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit. A copy of the petition for a writ of certiorari is attached.

Petitioner is incarcerated in a Texas state correctional facility serving a sentence of life without parole. As shown by the accompanying Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*, the only assets that Petitioner has are monies that are periodically deposited into her inmate trust account by her spouse.

Petitioner has not been granted leave to proceed *in forma pauperis* in any prior court. Petitioner's counsel's attorney's fee for seeking review in this Court has been paid for by Petitioner's spouse.

However, Petitioner asks this Court for leave to proceed *in forma pauperis* in this Court, because proceeding in this Court as a "paid case" will require the payment of a substantial sum of money (approximately \$2,000) to a printing service so that the certiorari petition can be prepared in the booklet format that is required by the Supreme Court rules. As stated earlier, the only assets Petitioner has are the amounts of money deposited into her inmate trust account by her spouse. Allowing Petitioner to proceed *in forma pauperis* in this Court would reduce the financial hardship placed on Petitioner's spouse that would result by

having to pay for printing costs of the certiorari petition and appendix in booklet format.

WHEREFORE, PREMISES CONSIDERED, Petitioner CYNTHIA HUDSON, respectfully asks for leave to proceed *in forma pauperis*.

Respectfully submitted,

/s/ *Gregory Sherwood*

Gregory Sherwood
Attorney
P.O. Box 200613
Austin, Texas 78720-0613
(512) 484-9029
Texas Bar # 18254600
Supreme Court Bar # 262173
Email: gsherwood@mail.com

Counsel of Record for
Petitioner Cynthia Hudson

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

I, Cynthia Hudson, 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>6,600</u>	\$ <u>0</u>	\$ <u>6,600</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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>6,600</u>	\$ <u>0</u>	\$ <u>6,600</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
—	—	—	\$ —
—	—	—	\$ —
—	—	—	\$ —

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
DOMTAR INC	Ashdown, AR 71822	1/2016 - Present	\$ 6,600
—	—	—	\$ —
—	—	—	\$ —

4. How much cash do you and your spouse have? \$ 7,072
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
Checking	\$ 0	\$ 796
Savings	\$ 0	\$ 6,274
—	\$ 0	\$ 0

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	<input type="checkbox"/> Other real estate
Value —	Value —

<input checked="" type="checkbox"/> Motor Vehicle #1	<input checked="" type="checkbox"/> Motor Vehicle #2
Year, make & model '98 Toyota Camry	Year, make & model '19 Ram 1500 Classic
Value \$1,800	Value \$28,000

☒ Other assets
Description Musical Instruments
Value \$1,000

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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>0</u>	\$ <u>640</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>150</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>450</u>
Clothing	\$ <u>0</u>	\$ <u>50</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>50</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>150</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>60</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>25</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>45</u>
Life	\$ <u>0</u>	\$ <u>30</u>
Health	\$ <u>0</u>	\$ <u>400</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>140</u>
Other: <u> — </u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Personal Property</u>	\$ <u>0</u>	\$ <u>25</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>750</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u> — </u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u> — </u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>2,965</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.

I have been incarcerated for 10+ years.

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

Executed on: Dec 14, 2020

Cynthia Hudson
(Signature)