

20-7044

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

GREGORY BARTUNEK,

Petitioner,

Supreme Court, U.S.
FILED

JAN 19 2021

OFFICE OF THE CLERK

V.

HALL COUNTY, NEBRASKA AND TODD BASHENSKY,

Respondents.

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Eighth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for Writ of
Certiorari without prepayment of costs and to proceed in forma pauperis.
Petitioner has previously been granted leave to proceed in forma pauperis
in the United States District Court for the District of Nebraska and in the
Court of Appeals for the Eighth Circuit. Petitioner's affidavit or
declaration in support of this motion is attached hereto.

Respectfully submitted,

Gregory P. Bartunek
Gregory P. Bartunek, Petitioner
200-12-011

29948-047 ✓
Federal Correctional Institution
P.O. Box 9000
Seagoville, TX 75159

01/19/2021
Date

Date _____

RECEIVED

JAN 27 2021

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GREGORY BARTUNEK,

Petitioner,

v.

HALL COUNTY, NEBRASKA AND TODD BAHENSKY

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

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Gregory Barutnek, am the petitioner in the above-titled case. In support of my motion to proceed in forma pauperis, I state that because of my poverty, I am unable to pay the cost of this case or to give security therefor; and I believe I am entitled to redress. The petitioner has previously been granted leave to proceed in forma pauperis in the United States District Court for the District of Nebraska under 28 U.S.C. § 1915. My financial situation has not changed since that determination. (28 U.S.C. § 1764; 18 U.S.C. § 1621).

I, Gregory Bartunek, declare under the penalty of perjury that the forgoing is true and correct. Executed on the 19th day of January, 2021.

By: Gregory P. Bartunek
Gregory P. Bartunek

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JAN 27 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Gregory Bartunek, 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>0</u>	\$ <u>0</u>	\$ <u>N/A</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>126</u>	\$ <u>0</u>	\$ <u>125</u>	\$ <u>0</u>
Alimony	\$ <u>6</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>6</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>125</u>	\$ <u>0</u>	\$ <u>125</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) *N/A*

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.) *N/A*

Employer	Address	Dates of Employment	Gross monthly pay
			\$
			\$
			\$

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. *N/A*

Financial institution	Type of account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

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

Home

Value _____

Other real estate

Value _____

Motor Vehicle #1

Year, make & model _____

Motor Vehicle #2

Year, make & model _____

Value _____

Value _____

Other assets

Description _____

Value _____

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**

Amount owed to your spouse

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

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

N/A

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.

N/A

You

Your spouse

N/A

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

\$ 0

\$ 0

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)	\$ <u>0</u>	\$ <u>0</u>	<u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>	
Insurance (not deducted from wages or included in mortgage payments)			
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>	
Life	\$ <u>0</u>	\$ <u>0</u>	
Health	\$ <u>0</u>	\$ <u>0</u>	
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>	
Other: _____	\$ <u>0</u>	\$ <u>0</u>	
Taxes (not deducted from wages or included in mortgage payments)			
(specify): _____	\$ <u>0</u>	\$ <u>0</u>	
Installment payments			
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>	
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>	
Department store(s)	\$ <u>0</u>	\$ <u>0</u>	
Other: _____	\$ <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>Prison Expenses</u>	\$ <u>125</u>	\$ <u>0</u>	
Total monthly expenses:	\$ <u>125</u>	\$ <u>0</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 since Feb. 16, 2017.

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

Executed on: January 19, 2021

Gregory P. Bartemus

Inmate Statement



Inmate Reg #: 29948047
 Inmate Name: BARTUNEK, GREGORY
 Report Date: 11/06/2020
 Report Time: 4:30:14 PM

Current Institution: Seagoville FCI
 Housing Unit: SEA-E-A
 Living Quarters: E01-182L

<u>Alpha</u>	<u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
SEA		11/4/2020 8:28:39 AM	31			Sales	(\$17.35)		\$66.30
SEA		10/28/2020 8:27:18 AM	51			Sales	(\$13.00)		\$83.65
SEA		10/28/2020 8:26:07 AM	50			Sales	(\$27.55)		\$96.65
SEA		10/25/2020 5:03:17 PM	33320299			Western Union	\$100.00		\$124.20
SEA		10/15/2020 9:31:01 AM	TL1015			TRUL Withdrawal	(\$5.00)		\$24.20
SEA		10/14/2020 8:30:31 AM	38			Sales	(\$28.05)		\$29.20
SEA		10/7/2020 12:09:04 PM	71			Sales	(\$59.15)		\$57.25
SEA		9/20/2020 3:28:01 PM	TL0920			TRUL Withdrawal	(\$2.00)		\$116.40
SEA		9/16/2020 10:28:22 AM	52			Sales	\$17.90		\$118.40
SEA		9/16/2020 8:02:14 AM	21			Sales	(\$25.20)		\$100.50
SEA		9/12/2020 5:03:47 PM	33320256			Western Union	\$100.00		\$125.70
SEA		9/2/2020 8:17:39 AM	61			Sales	(\$17.70)		\$25.70
SEA		9/1/2020 7:25:46 AM	VICP0920			Inmate Co-pay	(\$2.00)		\$43.40
SEA		8/26/2020 8:35:43 AM	26			Sales	(\$17.40)		\$45.40
SEA		8/19/2020 9:15:27 AM	67			Sales	(\$18.25)		\$62.80
SEA		8/6/2020 8:16:58 AM	14			Sales	(\$14.15)		\$81.05
SEA		8/2/2020 6:03:38 PM	33420215			Money Gram	\$40.00		\$95.20
SEA		7/17/2020 8:59:00 AM	11			Sales	(\$16.45)		\$55.20
SEA		7/13/2020 10:35:41 AM	VJV014			Photo Copies	(\$3.64)		\$71.65
SEA		6/22/2020 11:23:59 AM	VJV013			Photo Copies	(\$11.05)		\$75.29
SEA		6/10/2020 7:06:01 AM	19			Sales	(\$28.50)		\$86.34
SEA		6/6/2020 1:36:50 PM	TL0606			TRUL Withdrawal	(\$5.00)		\$114.84
SEA		6/1/2020 6:05:39 AM	33320153			Western Union	\$100.00		\$119.84
SEA		5/19/2020 9:13:12 AM	136			Sales	(\$24.65)		\$19.84
SEA		5/5/2020 1:14:44 PM	93			Sales	(\$22.75)		\$44.49
SEA		4/21/2020 12:18:08 PM	128			Sales	(\$30.25)		\$67.24
SEA		4/21/2020 7:01:08 AM	VJV009			Photo Copies	(\$8.84)		\$97.49
SEA		4/18/2020 10:30:07 AM	TL0418			TRUL Withdrawal	(\$2.00)		\$106.33
SEA		4/17/2020 8:03:13 AM	33320108			Western Union	\$100.00		\$108.33
SEA		4/14/2020 12:19:38 PM	67			Sales	(\$9.60)		\$8.33
SEA		4/7/2020 12:06:04 PM	131			Sales	(\$13.60)		\$17.93
SEA			144			Sales	(\$13.00)		\$31.53

SEA	3/30/2020 11:47:12 AM	142	Sales	(\$57.65)	\$44.53
SEA	3/30/2020 11:44:11 AM	TL0328	TRUL Withdrawal	(\$5.00)	\$102.18
SEA	3/28/2020 9:04:01 AM	TL0326	TRUL Withdrawal	(\$5.00)	\$107.18
SEA	3/26/2020 10:18:37 AM	VICP0320	Inmate Co-pay	(\$2.00)	\$112.18
SEA	3/24/2020 1:41:14 PM	TL0320	TRUL Withdrawal	(\$5.00)	\$114.18
SEA	3/17/2020 5:31:41 PM	TFN0317	Phone Withdrawal	(\$10.00)	\$119.18
SEA	3/16/2020 12:41:10 PM	163	Sales	(\$40.75)	\$129.18
SEA	3/12/2020 1:52:54 PM	TL0312	TRUL Withdrawal	(\$5.00)	\$169.93
SEA	3/9/2020 11:49:17 AM	139	Sales	(\$11.00)	\$174.93
SEA	3/9/2020 11:48:10 AM	42	Sales	(\$40.35)	\$185.93
SEA	3/8/2020 9:04:03 PM	33320068	Western Union	\$200.00	\$226.28
SEA	3/3/2020 7:44:21 PM	TL0303	TRUL Withdrawal	(\$5.00)	\$26.28
SEA	2/24/2020 12:06:08 PM	158	Sales	(\$39.50)	\$31.28
SEA	2/20/2020 2:45:05 PM	TL0220	TRUL Withdrawal	(\$5.00)	\$70.78
SEA	2/18/2020 12:28:17 PM	178	Sales	(\$47.05)	\$75.78
SEA	2/16/2020 9:03:34 PM	33320047	Western Union	\$100.00	\$122.83
SEA	2/15/2020 2:50:37 PM	TL0215	TRUL Withdrawal	(\$5.00)	\$22.83
SEA	2/15/2020 10:54:30 AM	TFN0215	Phone Withdrawal	(\$10.00)	\$27.83

12

Total Transactions: 53

Totals: (\$44.28) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
SEA	\$66.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$66.30
Totals:	\$66.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$66.30

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$340.00	\$318.19	\$69.82	\$124.20	\$58.81	N/A	N/A