

No. **20-7044**

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

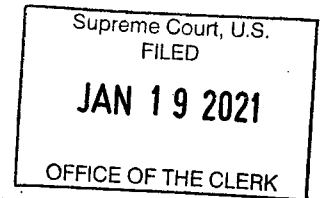
GREGORY BARTUNEK,

Petitioner,

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

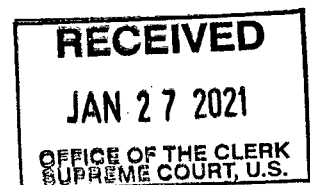
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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

01/19/2021
Date



No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GREGORY BARTUNEK,

Petitioner,

v.

HALL COUNTY, NEBRASKA AND TODD BAHENSKY

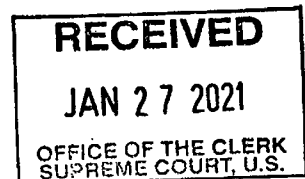
On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

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

I, Gregory Bartunek, 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 foregoing is true and correct. Executed on the 19th day of January, 2021.

By: Gregory P. Bartunek
Gregory P. Bartunek



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

I, Gregory Bartanek, 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 <i>N/A</i>	You	Spouse <i>N/A</i>
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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>125</u>	\$ <u>0</u>	\$ <u>125</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>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*

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets Description _____ Value _____	

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

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. *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>
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>

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 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. Bartunek

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

	3/30/2020							
	11:47:12 AM							
SEA	3/30/2020	142	Sales	(\$57.65)				\$44.53
	11:44:11 AM							
SEA	3/28/2020	TL0328	TRUL Withdrawal	(\$5.00)				\$102.18
	9:04:01 AM							
SEA	3/26/2020	TL0326	TRUL Withdrawal	(\$5.00)				\$107.18
	10:18:37 AM							
SEA	3/24/2020	VICP0320	Inmate Co-pay	(\$2.00)				\$112.18
	1:41:14 PM							
SEA	3/20/2020	TL0320	TRUL Withdrawal	(\$5.00)				\$114.18
	10:16:53 AM							
SEA	3/17/2020	TFN0317	Phone Withdrawal	(\$10.00)				\$119.18
	5:31:41 PM							
SEA	3/16/2020	163	Sales	(\$40.75)				\$129.18
	12:41:10 PM							
SEA	3/12/2020	TL0312	TRUL Withdrawal	(\$5.00)				\$169.93
	1:52:54 PM							
SEA	3/9/2020	139	Sales	(\$11.00)				\$174.93
	11:49:17 AM							
SEA	3/9/2020	42	Sales	(\$40.35)				\$185.93
	11:48:10 AM							
SEA	3/8/2020	33320068	Western Union	\$200.00				\$226.28
	9:04:03 PM							
SEA	3/3/2020	TL0303	TRUL Withdrawal	(\$5.00)				\$26.28
	7:44:21 PM							
SEA	2/24/2020	158	Sales	(\$39.50)				\$31.28
	12:06:08 PM							
SEA	2/20/2020	TL0220	TRUL Withdrawal	(\$5.00)				\$70.78
	2:45:05 PM							
SEA	2/18/2020	178	Sales	(\$47.05)				\$75.78
	12:28:17 PM							
SEA	2/16/2020	33320047	Western Union	\$100.00				\$122.83
	9:03:34 PM							
SEA	2/15/2020	TL0215	TRUL Withdrawal	(\$5.00)				\$22.83
	2:50:37 PM							
SEA	2/15/2020	TFN0215	Phone Withdrawal	(\$10.00)				\$27.83
	10:54:30 AM							

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