

NO.: 18-5991

20-7817

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

In re Johnny Ray Bennett - Plaintiff
vs.

Mr. Eddie Bell - Defendant's

Mrs. Leah Ransbottom

Mr. Michael Hutchenson, et. al

Supreme Court, U.S.
FILED
APR - 6 2021
OFFICE OF THE CLERK

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for a Writ of Prohibition without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): The 7th Judicial Circuit Court, Daytona Beach, Florida 32114; The United States District Court, Orlando, FL. 32801-0120.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Johnny R. Bennett
(Signature)

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

In re Johnny Ray Bennett Case No.: 18-5991
Plaintiff Appeal No.: 20-14505-D
 Orig. Case No.: 6:12-cv-0176-GAP-KRS
vs.

Mr. Eddie Bell
Mr. Leah Ransbottom
Mr. Michael Hutcheson et. al.
Defendants

MOTION FOR LEAVE TO FILE: WRIT OF PROHIBITION

COMES NOW, Plaintiff, Johnny Ray Bennett, pro se and moves this Honorable Clerk for leave to file a Writ of Prohibition pursuant to F.R.C.P. 15(a)(2) in this Honorable Court. The Writ of Prohibition was filed in the 11th Circuit Court of Appeals on 11-23-2020 and denied 2-1-2021 without adjudication. Plaintiff states that:

- 1.) Plaintiffs are entitled to an appeal process in Criminal or Civil appeal. 28 U.S.C. § 1915(a)(1)(4); C.f. *Smith vs. Bennett*, 365 U.S. 708, 712, 81 S. Ct. 895 (1961)
- 2.) Due to an ineffective assistance of counsel; claim(s) to reopen Judgments int eh United States District Court as mandated by *Gonzalez vs. Crosby*, 545 U.S. at 534 (2005); F.R.C.P. Rule 60(b) (6).

I DECLARE (or Certify, or Verify, or State) under the penalty of perjury that the MOTION FORE LEAVE TO FILE: WRIT OF PROHIBITION is true and correct.

Executed this 26th March 2021.



Johnny Ray Bennett #623036

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE: Writ of Prohibition has been placed into the hands of Institutional authorities fro Mailing via U.S. Mail, First Class, postage pre-paid to: The Supreme Court of the United States at First Street, N.E. Washington D.C. 205423, The Attorney General's Office at 444 Seabreeze Blvd, 5th Floor, Daytona Beach, FL 32118, Florida Supreme Court, 500 South Duval Street, Tallahassee, FL 32399-1927; Solicitor General of the United States; Dept. of Justice 950 Pennsylvania Avenue, N.W. Washington DC 20530-0001 on this 26th day of March, 2021.

Mail Box-Rule: *Thompson vs. State*, 761 So. 2d 324, 326 (Fla. 2000)

*Attached for Motion for Leave to Proceed In Forma Pauperis and Writ of Prohibition, with the (6) month Bank statements.



Johnny Ray Bennett #623036
Central Fla. Reception Center-MU
7000 H.C. Kelley Road
Orlando, FL 32831

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

I, Johnny Ray Bennett, 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>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>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>N/A</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

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
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

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 & model N/A
 Value N/A

Motor Vehicle #2
 Year, make & model N/A
 Value N/A

Other assets
 Description N/A
 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	Amount owed to you	Amount owed to your spouse
<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>

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
<u>Jay Thomas Connolly</u>	<u>Son/Father</u>	<u>23</u>
<u>Olivia Jeanne Connolly</u>	<u>Daughter/Father</u>	<u>22</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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>0</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>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Recreation, entertainment, newspapers, magazines, etc.	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Life	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Health	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Motor Vehicle	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Other: <u>N/A</u>	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Installment payments		
Motor Vehicle	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Credit card(s)	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Department store(s)	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Other: <u>N/A</u>	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Alimony, maintenance, and support paid to others	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Other (specify): <u>N/A</u>	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>
Total monthly expenses: <u>N/A</u>	\$ <input checked="" type="text"/>	\$ <input checked="" type="text"/>

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? 0

If yes, state the attorney's name, address, and telephone number: N/A

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? 0

If yes, state the person's name, address, and telephone number: N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

PLAINTIFF has been indigent since his incarceration in Aug. 27, 1999; entitled to appeal in good faith, and is entitled for redress by Color of Law by State action. See 28.U.S.C. § 1915(2)(1)(4).

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

Executed on: 3-26-, 2021

Johnny R. Bennett
(Signature)

IBSS042

Inmate Trust Fund Account

3/24/21 11:00:27 AM

Account Summary

Account Type: INMATE TRUST FUND	Account ID: 623036	Account Name: BENNETT, JOHNNY
Current Facility: CFRC-MAIN		Housing: G4109U
AKA: BENNETT, JOHNNY R.	Date of Birth: 07/06/1967	Dependents: NO
Account Status: ACTIVE	As of Date: 06/21/2011	EOS Release Date: 12/02/2030
Current Balance: \$42.95	Hold Balance: \$0.00	Cash Draw Card: NO
Unposted Deposits: \$0.00	Lien Balance: \$0.00	Verified Veteran: NO
Eligible for Release Payment:	Current COP Balance: \$0.00	Release Card: NO
		Withdrawals in Suspense: \$0.00
		Canteen Limit: \$42.95
		Dependent Balance: \$0.00
		Spendable Balance: \$0.00
		Savings Balance: \$0.00
		Submit
		Rebuild Balances
		Satisfy Liens

Retrieve **Transaction Date:** 09/24/2020

Transaction Date	Transaction Type	Status	Facility	Reference Number	+ / -	Amount	Balance
09/24/2020	JPAY MEDIA W/D	PROCESSED	CENTRAL OFFICE	000083319552	-	\$2.23	\$75.91
09/28/2020	CANTEEN SALES	PROCESSED	CENTRAL OFFICE	32020200927	-	\$47.64	\$28.27
09/28/2020	PROCESSING FEE W/D	PROCESSED	CENTRAL OFFICE	WEEKLY DRAW	-	\$0.48	\$27.79
09/29/2020	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020090401	-	\$2.20	\$25.59
09/29/2020	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020090402	-	\$2.20	\$23.39
09/29/2020	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020090403	-	\$2.20	\$21.19
09/29/2020	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020090404	-	\$1.19	\$20.00
09/29/2020	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020090405	-	\$0.00	\$20.00

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<u>09/29/2020</u>	JPAY MEDIA W/D	PROCESSED	CENTRAL OFFICE	000083582745	-	\$20.00	\$0.00
<u>10/08/2020</u>	MEDICAL CO-PAY WD	PROCESSED	CENTRAL OFFICE	1007201428DS	-	\$0.00	\$0.00
<u>10/22/2020</u>	JPAY DEPOSIT	PROCESSED	CENTRAL OFFICE	123134433	+	\$30.00	\$30.00
<u>10/22/2020</u>	MEDICAL CO-PAY BILL LIEN PAY	PROCESSED	CENTRAL OFFICE	1007201428DS	-	\$5.00	\$25.00
<u>10/22/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020090404	-	\$1.01	\$23.99
<u>10/22/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020090405	-	\$1.80	\$22.19
<u>10/26/2020</u>	CANTEEN SALES	PROCESSED	CENTRAL OFFICE	32020201025	-	\$14.69	\$7.50
<u>10/26/2020</u>	PROCESSING FEE W/D	PROCESSED	CENTRAL OFFICE	WEEKLY DRAW	-	\$0.15	\$7.35
<u>10/28/2020</u>	CANTEEN SALES	PROCESSED	CENTRAL OFFICE	32020201027	-	\$6.29	\$1.06
<u>11/02/2020</u>	PROCESSING FEE W/D	PROCESSED	CENTRAL OFFICE	WEEKLY DRAW	-	\$0.06	\$1.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020112301	-	\$1.00	\$0.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020112302	-	\$0.00	\$0.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020112303	-	\$0.00	\$0.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020112304	-	\$0.00	\$0.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020120101	-	\$0.00	\$0.00
<u>12/08/2020</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2020120102	-	\$0.00	\$0.00
<u>12/11/2020</u>	LEGAL COPIES WD	PROCESSED	CENTRAL OFFICE	3202020362	-	\$0.00	\$0.00
<u>12/23/2020</u>	JPAY DEPOSIT	PROCESSED	CENTRAL OFFICE	125598033	+	\$50.00	\$50.00
<u>12/23/2020</u>	LEGAL COPIES LIEN PAY	PROCESSED	CENTRAL OFFICE	3202020362	-	\$1.20	\$48.80
<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020112301	-	\$2.20	\$46.60

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<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020112302	-	\$9.90	\$36.70
<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020120102	-	\$3.20	\$33.50
<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020120101	-	\$3.20	\$30.30
<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020112304	-	\$3.20	\$27.10
<u>12/23/2020</u>	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2020112303	-	\$3.20	\$23.90
<u>12/23/2020</u>	JPAY MEDIA W/D	PROCESSED	CENTRAL OFFICE	000088474741	-	\$10.00	\$13.90
<u>12/25/2020</u>	CANTEEN SALES	PROCESSED	CENTRAL OFFICE	32020201224	-	\$13.90	\$0.00
<u>12/28/2020</u>	PROCESSING FEE W/D	PROCESSED	CENTRAL OFFICE	20201228	-	\$0.00	\$0.00
<u>01/20/2021</u>	LEGAL COPIES WD	PROCESSED	CENTRAL OFFICE	3202020414	-	\$0.00	\$0.00
<u>01/21/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021010801	-	\$0.00	\$0.00
<u>02/03/2021</u>	INDIVIDUAL CHECK	PROCESSED	CENTRAL OFFICE	0698113	-	(\$33.98)	\$33.98
<u>02/05/2021</u>	JPAY MEDIA W/D	PROCESSED	CENTRAL OFFICE	000091331548	-	\$23.00	\$10.98
<u>02/08/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021012201	-	\$0.00	\$10.98
<u>02/11/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021012801	-	\$0.51	\$10.47
<u>02/11/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021012802	-	\$0.51	\$9.96
<u>02/19/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021020801	-	\$0.51	\$9.45
<u>02/19/2021</u>	LEGAL POSTAGE WD	PROCESSED	CENTRAL OFFICE	2021020802	-	\$0.71	\$8.74
<u>02/26/2021</u>	CANTEEN SALES	PROCESSED	CENTRAL OFFICE	32020210225	-	\$8.51	\$0.23
<u>03/01/2021</u>	PROCESSING FEE W/D	PROCESSED	CENTRAL OFFICE	WEEKLY DRAW	-	\$0.09	\$0.14
<u>03/08/2021</u>	LEGAL COPIES	PROCESSED	CENTRAL	428	-	\$0.00	\$0.14

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WD	OFFICE						
03/10/2021	LEGAL COPIES WD	PROCESSED	CENTRAL OFFICE	437	-	\$0.14	\$0.00
03/21/2021	JPAY DEPOSIT	PROCESSED	CENTRAL OFFICE	129060735	+	\$100.00	\$100.00

[Next 50 Transactions](#)[Prior 50 Transactions](#)

IBSS042

Inmate Trust Fund Account

3/24/21 11:00:46 AM

Account Summary

Account Type: INMATE TRUST FUND	Account ID: 623036	Account Name: BENNETT, JOHNNY
Current Facility: CFRC-MAIN		Housing: G4109U
AKA: BENNETT, JOHNNY R.	Date of Birth: 07/06/1967	Dependents: NO
Account Status: ACTIVE	As of Date: 06/21/2011	EOS Release Date: 12/02/2030
Current Balance: \$42.95	Hold Balance: \$0.00	Cash Draw Card: NO
Unposted Deposits: \$0.00	Lien Balance: \$0.00	Verified Veteran: NO
Eligible for Release Payment:	Current COP Balance: \$0.00	Release Card: NO
		Withdrawals in Suspense: \$0.00
		Canteen Limit: \$42.95
		Dependent Balance: \$0.00
		Spendable Balance: \$0.00
		Savings Balance: \$0.00
		<input type="button" value="Submit"/> <input type="button" value="Rebuild Balances"/> <input type="button" value="Satisfy Liens"/>

Transaction Date: 09/24/2020

Transaction Date	Transaction Type	Status	Facility	Reference Number	+ / -	Amount	Balance
03/21/2021	PROCESSING FEE LIEN PAY	PROCESSED	CENTRAL OFFICE	20201228	-	\$0.14	\$99.86
03/21/2021	LEGAL COPIES LIEN PAY	PROCESSED	CENTRAL OFFICE	3202020414	-	\$13.65	\$86.21
03/21/2021	LEGAL COPIES LIEN PAY	PROCESSED	CENTRAL OFFICE	428	-	\$1.80	\$84.41
03/21/2021	LEGAL COPIES LIEN PAY	PROCESSED	CENTRAL OFFICE	437	-	\$1.66	\$82.75
03/21/2021	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2021010801	-	\$2.40	\$80.35
03/21/2021	LEGAL POSTAGE LIEN PAY	PROCESSED	CENTRAL OFFICE	2021012201	-	\$2.40	\$77.95
03/21/2021	JPAY MEDIA W/D	PROCESSED	CENTRAL OFFICE	000095119400	-	\$35.00	\$42.95

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Next 50 Transactions

Prior 50 Transactions

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