

U.S. Supreme Court Forms
No. 20-7858

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Michael A. Hernandez — PETITIONER
(Your Name)

Supreme Court, U.S.
FILED
APR - 5 2021
OFFICE OF THE CLERK

vs.

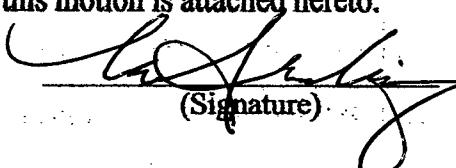
Stanley Moya, et al — RESPONDENT(S)

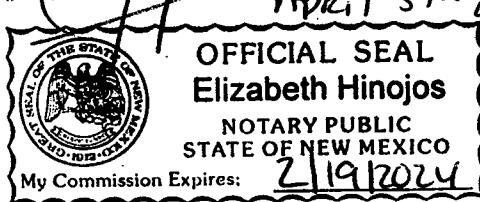
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): District Court Case # D1314-CR-02-470, Direct Appeal to the N.M. Supreme Court N.M. S.Ct. No. 28320, N.M. Federal Appeal 1:18-CV-01144-WJ-CB, Writ of certiorari to the District Court filed in the Supreme Court No. S-1-SC-37376, Tenth Circuit Federal Appeal 19-2206
 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.


(Signature)



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APR 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, Michael Armentariz, 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>	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <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
NA			\$ 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
NA			\$ 0
			\$
			\$

4. How much cash do you and your spouse have? \$ 0

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

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

Other real estate
Value NA

Motor Vehicle #1
Year, make & model NA
Value 0

Motor Vehicle #2
Year, make & model _____
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	Amount owed to you	Amount owed to your spouse
<u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
	\$ <u> </u>	\$ <u> </u>
	\$ <u> </u>	\$ <u> </u>

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

Name	Relationship	Age
<u>None</u>		

8. Estimate the average monthly expenses of you and your spouse. 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>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Are real estate taxes included?	Yes	No	
Is property insurance included?	Yes	No	
Utilities (electricity, heating fuel, Water, sewer, and telephone)		\$ <u>0</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)		\$ <u>0</u>	\$ <u> </u>
Food		\$ <u>0</u>	\$ <u> </u>
Clothing		\$ <u>0</u>	\$ <u> </u>
Laundry and dry-cleaning		\$ <u>0</u>	\$ <u> </u>
Medical and dental expenses		\$ <u>0</u>	\$ <u> </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 0	\$
Other: _____	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$
Installment payments		
Motor Vehicles	\$ 0	\$
Credit card(s)	\$ 0	\$
Department store(s)	\$ 0	\$
Other: _____	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): _____	\$ 0	\$
Total monthly expenses:	\$ 0	\$

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

If yes, how much? NA

If yes, state the attorney's name, address, and telephone number:
NA

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

If yes, how much? NA

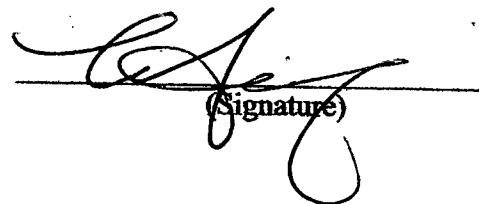
If yes, state the person's name, address, and telephone number:
NA

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

I am currently incarcerated and have been since 2002. I have no income.

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

Executed on: April 5, 2021


(Signature)

Account Transaction History
From 09/01/2020 To 03/18/2021

Offender Name	NMCD #	Account Description	Account Number
ARMENDARIZ, MICHAEL	46689	INMATE REGULAR SPENDING	24215
Transaction ID	Date	Description	Amount
	09/01/2020	Beginning Balance	113.14
3249773	09/02/2020	Commissary Purchase; Invoice 170201	-34.95
3250022	09/04/2020	Cash Receipt - OHARE, JOHN	50.00
3250724	09/08/2020	Cash Receipt - CROWSON, LORILLA DIANE	40.00
3252038	09/10/2020	Commissary Purchase; Invoice 170697	-35.00
3253810	09/11/2020	Cash Receipt - CROWSON, LORILLA DIANE	90.00
3260068	09/15/2020	PNM- INST PAY 08/20 - 2A- BARBER	7.20
3260081	09/15/2020	AUTOMATIC CVR DEDUCTION	-1.08
3260082	09/15/2020	Automatic Savings Deduction	-.36
3262408	09/18/2020	Commissary Purchase; Invoice 171059	-43.09
3262976	09/24/2020	Commissary Purchase; Invoice 171619	-35.08
3262986	09/24/2020	PNM-POSTAGE RS-21--009	-1.20
3262986	09/24/2020	PNM-POSTAGE RS-21--009	-1.00
3262986	09/24/2020	PNM-POSTAGE RS-21--009	-1.20
3263156	09/24/2020	PNM- LEVEL 5 PIZZA SALE 21/056	-13.00
3264512	09/30/2020	Commissary Purchase; Invoice 172097	-34.44
3265269	10/02/2020	Cash Receipt - OHARE, JOHN	50.00
3265796	10/07/2020	Commissary Purchase; Invoice 172569	-33.98
3268619	10/09/2020	Commissary Return; Invoice 168278	3.44
3271975	10/14/2020	Commissary Purchase; Invoice 172898	-27.90
3271993	10/14/2020	PNM- INST PAY 09/20 - 2A- BARBER	7.20
3272002	10/14/2020	AUTOMATIC CVR DEDUCTION	-1.08
3272003	10/14/2020	Automatic Savings Deduction	-.36
3274396	10/16/2020	Cash Receipt - CROWSON, LORILLA DIANE	40.00
3277202	10/21/2020	Commissary Purchase; Invoice 173361	-40.69
3277235	10/21/2020	MP3 ORDERS PNM-21-004	-59.63
3278907	10/28/2020	Cash Receipt - CROWSON, LORILLA DIANE	150.00
3278971	10/28/2020	Commissary Purchase; Invoice 174020	-36.74
3280148	11/03/2020	Cash Receipt - OHARE, JOHN	50.00
3282728	11/10/2020	Commissary Purchase; Invoice 174367	-55.76
3286888	11/13/2020	PNM- POSTAGE RS-21-012	-1.20
3286888	11/13/2020	PNM- POSTAGE RS-21-012	-.50
3287479	11/16/2020	PNM- INST PAY 10/20 - 2A- BARBER	7.20
3287488	11/16/2020	AUTOMATIC CVR DEDUCTION	-1.08

Account Transaction History
From 09/01/2020 To 03/18/2021

Offender Name	NMCD #	Account Description	Account Number
ARMENDARIZ, MICHAEL	46689	INMATE REGULAR SPENDING	24215
Transaction ID	Date	Description	Amount
3287489	11/16/2020	Automatic Savings Deduction	-.36
3288930	11/18/2020	Commissary Purchase; Invoice 174696	-55.15
3292910	11/23/2020	PNM- LEVEL 5 PICTURE SALE 21/075	-5.00
3294541	12/02/2020	Commissary Purchase; Invoice 175186	-42.70
3295963	12/09/2020	Cash Receipt - OHARE, JOHN	50.00
3297252	12/09/2020	Commissary Purchase; Invoice 175771	-32.16
3298316	12/10/2020	PNM-LEVEL 5 STORE/EL PARASOL SJ 21-079	-11.00
3301124	12/11/2020	MP3 ORDERS PNM-21-005	-10.00
3301612	12/14/2020	PNM-POSTAGE RS-21-015	-.50
3301612	12/14/2020	PNM-POSTAGE RS-21-015	-.50
3304765	12/16/2020	Cash Receipt - CROWSON, LORILLA DIANE	50.00
3304851	12/16/2020	Commissary Purchase; Invoice 176068	-21.66
3307182	12/29/2020	PNM-POSTAGE RS-21-016	-1.20
3307926	12/31/2020	Cash Receipt - CROWSON, LORILLA DIANE	40.00
3308349	01/06/2021	Cash Receipt - OHARE, JOHN	35.00
3308551	01/07/2021	Commissary Purchase; Invoice 177139	-18.08
3311527	01/12/2021	Cash Receipt - OHARE, JOHN	50.00
3313116	01/14/2021	Commissary Purchase; Invoice 177673	-20.50
3319944	01/15/2021	PNM-POSTAGE RS-21-017	-1.20
3319988	01/15/2021	PNM-POSTAGE RS-21-018	-1.20
3321875	01/20/2021	Commissary Purchase; Invoice 178260	-44.15
3325090	02/03/2021	Commissary Purchase; Invoice 179389	-42.12
3326234	02/09/2021	Cash Receipt - CROWSON, LORILLA DIANE	40.00
3326234	02/09/2021	Cash Receipt - OHARE, JOHN	50.00
3327010	02/10/2021	Commissary Purchase; Invoice 179746	-23.92
3336809	02/18/2021	Commissary Purchase; Invoice 180140	-28.82
3338389	02/24/2021	Commissary Purchase; Invoice 180732	-39.08
3340170	03/03/2021	Commissary Purchase; Invoice 181131	-32.75
3341612	03/09/2021	Cash Receipt - CROWSON, LORILLA DIANE	40.00
3344299	03/10/2021	Commissary Purchase; Invoice 181759	-24.56
3346610	03/12/2021	Cash Receipt - OHARE, JOHN	75.00
3351855	03/17/2021	Commissary Purchase; Invoice 182054	-27.40
	03/18/2021	Ending Balance	94.85