

No. 20-8008

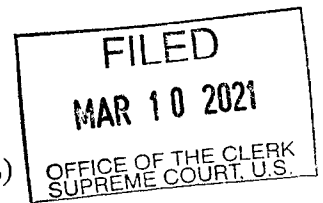
IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Eric Christopher Conn PETITIONER  
(Your Name)

VS.

United States of America — 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*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court Eastern District of Kentucky  
(Relevant Docket sheet entry enclosed)

☐ 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.

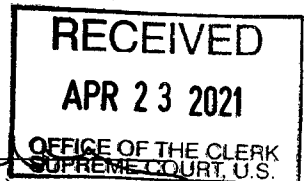
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

[Signature]  
(Signature)



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

I, Eric Christopher Conn, 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>	\$ _____
<b>Total monthly income:</b>	\$ <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			\$ 0
N/A			\$ 0
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

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

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

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

☐ Other assets  
Description N/A  
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
N/A	\$ N/A	\$
N/A	\$ N/A	\$
N/A	\$ N/A	\$

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
N/A		
N/A		
N/A		

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

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

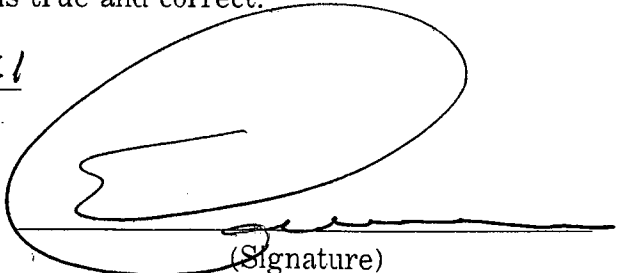
If yes, state the person's name, address, and telephone number:

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

*I am in federal prison with no assets.*

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

Executed on: April 14, 2021

  
(Signature)

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 2020

No. \_\_\_\_\_

ERIC CHRISTOPHER CONN

Petitioner,

- against -

UNITED STATES OF AMERICA

Respondent

Eric Christopher Conn  
#20334-032  
Federal Correctional Institution - Hazelton  
P.O. Box 5000  
Bruceston Mills, W.V. 26525

MOTION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS WITH INCORPORATED  
DECLARATION IN SUPPORT

Petitioner, Eric Christopher Conn, acting in a  
pro se capacity motions the Court for leave to proceed  
in forma pauperis with incorporated declaration,  
in support:

1. I am the petitioner in the above-entitled  
action

2. I am incarcerated in the honor dormitory  
at the Federal Correctional Institution - Hazelton,  
Bruceston Mills, W.V. 26525.

3. The district court on January 4, 2018, based on petitioner's (then defendant) motion with supporting financial affidavit, determined that petitioner was eligible without costs counsel pursuant to the Criminal Justice Act. The docket sheet entry for same is provided herewith.

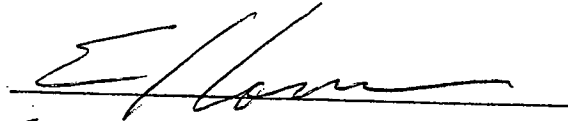
4. This facility because of the COVID-19 National Emergency has essentially been on some form of lockdown/quarantine since March 16, 2020. Because of the National Emergency petitioner has not been able to work at his work assignment in the education department since said time. However, petitioner was selected for a short-term project of inventorying the new books. Petitioner is required to make regular financial responsibility payments. The petitioner's funds considered for financial responsibility payments comprise \$910.48.

5. The petitioner, because of the ongoing COVID-19 National Emergency, does not know when he will be able to return to regular work in the education department as a research assistant or instructing adult continuing education courses in research and Spanish.



Pursuant to 28 U.S.C. Section 1746, I declare  
under penalty of perjury that the foregoing is  
true and correct,

This the 9th day of March, 2021.



Eric Christopher Conn

Inmate # 20834-032

Federal Correctional Institution

Hazleton

P.O. Box 5000

Bruceston Mills, W.V. 26525

		motion at DE <u>299</u> was marked "incorrectly filed" and termed. (SCD) (Entered: 12/29/2017)
01/04/2018	<u>301</u>	STATUS REPORT <i>and Proposed Trial Schedule</i> by USA as to Eric Christopher Conn (Davis, Dustin) (Entered: 01/04/2018)
01/04/2018	<u>302</u>	ORDER as to Eric Christopher Conn: The Court GRANTS <u>298</u> to the extent it requests a determination of Conn's eligibility for a CJA appointment and for Conn to in fact receive a CJA appointment but DENIES <u>298</u> to the extent it requests Mr. White to receive the appointment. Court APPOINTS Willis Coffey. Court ORDERS the Clerk to terminate Mr. White and Ms. Hays as COR and DIRECTS Mr. White to promptly transition Conn's file materials and assist Mr. Coffey in understanding status. Mr. Coffey shall promptly arrange to facilitate this transition and to meet w Conn. Court SCHEDULES a <u>STATUS CONFERENCE</u> for 1/11/2018 at 3:30 PM in LEXINGTON. Signed by Magistrate Judge Robert E. Wier on 1/4/2018. (SCD)cc: COR,USM,USP,D Modified on 1/5/2018 (SCD). (Entered: 01/05/2018)
01/05/2018		CJA Appointment of Attorney for Eric Christopher Conn. The Clerk ENTERED the representation and appointment in the eVoucher system for Willis Coffey. (SCD) (Entered: 01/05/2018)
01/05/2018	<u>303</u>	NOTICE OF MANDATORY ECF DIRECTED TO Darrin L. McCullough, a non-registered attorney: <u>302</u> Order had to be MAILED TO a non-registered attorney, which is in direct violation of this court's General Orders re: Mandatory ECF. <b><i>Failure to comply will result in this matter being submitted to the Chief Judge.</i></b> cc: COR (SCD) (Entered: 01/05/2018)
01/11/2018	<u>304</u>	MINUTE ENTRY for STATUS CONFERENCE as to Eric Christopher Conn held on 1/11/2018, before Magistrate Judge Robert E. Wier: Dft appeared in custody w Willis G. Coffey APPOINTED CJA counsel of record. Court SETS ASIDE the current trial day of 2/12/2018 in this case and will issue a separate Order making particular STA findings and setting the prospective schedule. Court remands Conn to USMS custody. Signed by Magistrate Judge Robert E. Wier. (Tape #KYED-LEX__5-16-cr-22-DCR-REW-1 and 5-17- cr-104-DCR-REW-1_20180111_150030.) (SCD)cc: COR,USM,USP,D,JC (Entered: 01/12/2018)
01/16/2018	<u>305</u>	ORDER as to Eric Christopher Conn: Court SCHEDULES a <u>JURY TRIAL</u> on 1/7/2019 at 9:00 AM in LEXINGTON before Judge Danny C. Reeves, counsel to appear at 8:30 AM. Estimated trial length is approx. 2 weeks (12 trial days). The following shall be the schedule governing motion practice in this case (see order). All other requirements and mechanics of Judge Reeves's standard pretrial scheduling order (DE <u>19</u> ) not here specifically altered remain in full force and effect. Court FINDS the period between and including 1/11/2018 and 1/7/2019 excludable. Any party objecting to this Order should consult the statute and Fed Rule of CR Procedure 59(a) concerning its right of and the mechanics for reconsideration before the District court. Signed by Magistrate Judge Robert E. Wier on 1/16/2018. (SCD)cc: COR,USM,USP,D,JC (Entered: 01/17/2018)
01/22/2018	<u>306</u>	TRANSCRIPT REQUEST by USA as to Eric Christopher Conn for Bail Revocation Hearing proceedings held on 12/28/2017 before Judge Magistrate Judge Robert E. Wier. (Attachments: # <u>1</u> Cover Letter & Envelope dated 1/17/2018)(KM) (Entered: 01/22/2018)
01/22/2018	<u>307</u>	NOTICE OF MANDATORY ECF DIRECTED TO Rebecca Caruso, ECF Filing User re <u>306</u> Transcript Request was received pleading as a paper filing and filed by the Clerk, which is in direct violation of this court's General Orders re: