
IN THE
Supreme Court of the United States

CYNTHIA STIGER,

Petitioner

vs.

UNITED STATES OF AMERICA,

Respondent

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

PETITIONER’S MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS*

TO THE HONORABLE SUPREME COURT OF THE UNITED STATES:

NOW COMES Petitioner CYNTHIA STIGER, who files Petitioner’s
Motion for Leave to Proceed *In Forma Pauperis*, and would respectfully state as
follows:

Petitioner seeks a petition for a writ of certiorari to the United States Court
of Appeals for the Fifth Circuit. A copy of the petition for a writ of certiorari is
attached.

Petitioner Cynthia Stiger is incarcerated in a federal correctional facility serving a sentence of 120 months. Ms. Stiger was found indigent by the U.S. District Court for the Northern District of Texas, Dallas Division. *See* Fifth Cir. No. 17-10665, ROA.10715, and ROA.11613 (orders appointing CJA counsel). Petitioner Stiger was represented by court-appointed counsel during the jury trial and at sentencing, and on appeal to the Fifth Circuit. However, Ms. Stiger's court-appointed appellate attorney failed to timely file Appellant's Brief and Record Excerpts with the Fifth Circuit, after having received several extensions of time to file that brief, which resulted in an October 22, 2019 order dismissing her appeal for want of prosecution. This order, and all Fifth Circuit motions and orders referenced herein, are available for viewing on PACER.

Undersigned counsel filed a November 6, 2019 unopposed motion to reinstate Ms. Stiger's appeal, which was granted by the Fifth Circuit on November 12, 2019. This writer timely filed Appellant's Brief and Record Excerpts, which permitted her appeal to proceed.

As shown by the accompanying Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*, Petitioner Stiger is incarcerated, and does not have sufficient funds to pay for costs and expenses in this Court.

As just discussed, Ms. Stiger was granted leave to proceed *in forma pauperis* by the U.S. District Court in Dallas, Texas, but her court-appointed counsel for her

appeal to the Fifth Circuit (who also represented Stiger at sentencing), failed to timely file her brief and record excerpts, which resulted in the dismissal of her appeal for want of prosecution, which was reinstated after this writer filed a motion to reinstate the appeal. This writer's fee for representing Petitioner Stiger in the Fifth Circuit appeal, and for filing a petition for a writ of certiorari in this Court, is being paid for by Ms. Stiger's friends and family, as Ms. Stiger is incarcerated and she does not have sufficient funds to pay for appellate representation, this Court's filing fee, or for the fees for printing her brief on the merits if certiorari is granted.¹

Petitioner asks this Court for leave to proceed *in forma pauperis* in this Court, because even though she is represented by retained counsel herein, whose fee is being paid for by Ms. Stiger's friends and family, she was represented by court-appointed counsel at trial and on appeal, but that ended when her court-appointed appellate attorney failed to timely file Stiger's brief and record excerpts, resulting in dismissal of her appeal, which was reinstated by this writer. Allowing Petitioner Stiger to proceed *in forma pauperis* in this Court would reduce the financial hardship placed on Petitioner's friends and family that would result by having to pay the filing fee, and for the costs of printing in booklet format Ms. Stiger's brief on the merits and any reply brief if certiorari is granted.

¹ Under this Court's April 15, 2020 Order, a petition for a writ of certiorari may be printed on letter-sized paper, instead of in booklet format, so the only printing fees that Petitioner Stiger would incur if she is not allowed to proceed *in forma pauperis* would be for the brief on the merits and any reply brief if certiorari is granted.

WHEREFORE, PREMISES CONSIDERED, Petitioner CYNTHIA
STIGER, respectfully asks for leave to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Gregory Sherwood

Gregory Sherwood
Attorney
P.O. Box 200613
Austin, Texas 78720-0613
(512) 484-9029
Texas Bar # 18254600
Email: gsherwood@mail.com

Counsel of Record for
Petitioner Cynthia Stiger

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

I, Cynthia Sttger, 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	\$ _____	\$ _____	\$ _____	\$ _____
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>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
<u>NA</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
<u>NA</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ _____
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
<u>Checking</u>	\$ <u>500.00</u>	\$ <u>0</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

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

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

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>11</u>	\$ <u>0</u>	\$ <u>0</u>
<u>11</u>	\$ <u>0</u>	\$ <u>0</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>NA</u>	<u>NA</u>	<u>NA</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>NA</u>	\$ <u>NA</u>
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)	\$ <u>NA</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u>NA</u>
Food	\$ <u>NA</u>	\$ <u>NA</u>
Clothing	\$ <u>NA</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>NA</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u>NA</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? _____

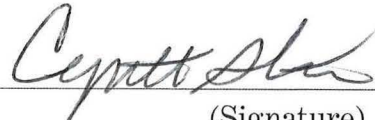
If yes, state the person's name, address, and telephone number:

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

I am incarcerated, my income is 10.56 per month.

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

Executed on: May 20, 2021


(Signature)

Inmate Statement



Inmate Reg #: 44137177
 Inmate Name: STIGER, CYNTHIA
 Report Date: 05/20/2021
 Report Time: 6:55:46 PM

Current Institution: Bryan FPC
 Housing Unit: BRY-M-A
 Living Quarters: M01-102L

<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>
BRY	5/20/2021 8:31:59 AM	4			Sales	(\$10.00)		\$295.52
BRY	5/19/2021 8:46:57 AM	21			Sales	(\$63.40)		\$305.52
BRY	5/12/2021 12:14:29 PM	31			Sales	(\$0.85)		\$368.92
BRY	5/12/2021 11:23:08 AM	5			Sales	(\$100.15)		\$369.77
BRY	5/10/2021 4:53:26 PM	TL0510			TRUL Withdrawal	(\$30.00)		\$469.92
BRY	5/10/2021 11:24:33 AM	TL0510			TRUL Withdrawal	(\$30.00)		\$499.92
BRY	5/10/2021 7:47:58 AM	TFN0510			Phone Withdrawal	(\$200.00)		\$529.92
BRY	5/9/2021 7:06:28 PM	33321129			Western Union	\$300.00		\$729.92
BRY	5/7/2021 11:06:27 AM	33321127			Western Union	\$300.00		\$429.92
BRY	5/7/2021 9:06:43 AM	WIPP0421			Payroll - IPP	\$10.56		\$129.92
BRY	5/5/2021 1:30:30 PM	62			Sales	\$2.20		\$119.36
BRY	5/5/2021 11:00:29 AM	28			Sales	(\$60.90)		\$117.16
BRY	5/3/2021 12:06:50 PM	33321123			Western Union	\$100.00		\$178.06
BRY	4/28/2021 7:00:35 AM	8			Sales	(\$70.20)		\$78.06
BRY	4/27/2021 10:00:18 AM	105			Sales	(\$125.00)		\$148.26
BRY	4/26/2021 4:06:46 PM	33321116			Western Union	\$100.00		\$273.26
BRY	4/20/2021 5:06:40 PM	33321110			Western Union	\$150.00		\$173.26
BRY	4/20/2021 8:56:50 AM	1			Sales	(\$91.95)		\$23.26
BRY	4/19/2021 8:26:46 PM	TFN0419			Phone Withdrawal	\$60.00		\$115.21
BRY	4/13/2021 2:37:38 PM	91			Sales	(\$76.05)		\$55.21
BRY	4/9/2021 8:48:31 AM	WIPP0321			Payroll - IPP	\$3.84		\$131.26
BRY	4/9/2021 8:48:29 AM	WIPP0321			Payroll - IPP	\$26.10		\$127.42
BRY	4/6/2021 12:26:46 PM	86			Sales	(\$93.50)		\$101.32
BRY	4/1/2021 12:39:26 PM	64			Sales	(\$71.50)		\$194.82
BRY	4/1/2021 12:37:25 PM	62			Sales	\$0.00		\$266.32
BRY	4/1/2021 10:28:55 AM	39			Sales	\$0.00		\$266.32
BRY	3/31/2021 10:45:01 AM	TL0331			TRUL Withdrawal	(\$30.00)		\$266.32
BRY	3/29/2021 1:35:29 PM	116			Sales	(\$102.60)		\$296.32
BRY	3/25/2021 10:10:29 AM	WICP0321			Inmate Co-pay	(\$2.00)		\$398.92
BRY	3/24/2021 2:06:37 PM	33321083			Western Union	\$100.00		\$400.92
BRY	3/15/2021 11:38:25 AM	TFN0315			Phone Withdrawal	(\$60.00)		\$300.92
BRY		21			Sales	(\$96.25)		\$360.92

Inmate Statement



Inmate Reg #: 44137177
 Inmate Name: STIGER, CYNTHIA
 Report Date: 05/20/2021
 Report Time: 6:56:43 PM

Current Institution: Bryan FPC
 Housing Unit: BRY-M-A
 Living Quarters: M01-102L

<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>
BRY	2/4/2021 8:41:58 AM	9			Sales	(\$10.00)		\$54.43
BRY	2/4/2021 8:40:39 AM	8			Sales	(\$141.90)		\$64.43
BRY	1/26/2021 8:23:24 AM	7			Sales	(\$86.80)		\$206.33
BRY	1/22/2021 9:55:37 AM	WICP0121			Inmate Co-pay	(\$2.00)		\$293.13
BRY	1/21/2021 10:02:29 AM	33321021			Western Union	\$100.00		\$295.13
BRY	1/13/2021 12:41:35 PM	125			Sales	(\$111.70)		\$195.13
BRY	1/13/2021 10:55:18 AM	WICP0121			Inmate Co-pay	(\$2.00)		\$306.83
BRY	1/6/2021 6:03:45 PM	33321006			Western Union	\$300.00		\$308.83
BRY	1/6/2021 9:26:24 AM	18			Sales	(\$83.80)		\$8.83
BRY	12/29/2020 2:27:34 PM	86			Sales	(\$97.40)		\$92.63
BRY	12/29/2020 12:34:26 PM	84			Sales	\$0.00		\$190.03
BRY	12/29/2020 11:10:38 AM	WICP1220			Inmate Co-pay	(\$2.00)		\$190.03
BRY	12/28/2020 8:54:39 AM	11			Sales	(\$7.90)		\$192.03
BRY	12/26/2020 1:03:20 PM	33320361			Western Union	\$100.00		\$199.93
BRY	12/23/2020 3:10:26 PM	WICP1220			Inmate Co-pay	(\$2.00)		\$99.93
BRY	12/22/2020 12:09:32 PM	102			Sales	(\$11.00)		\$101.93
BRY	12/22/2020 12:08:47 PM	232			SPO - Released		\$54.60	-----
BRY	12/22/2020 12:08:47 PM	101			Sales	(\$87.15)		\$112.93
BRY	12/17/2020 11:40:45 AM	232			SPO		(\$54.60)	-----
BRY	12/16/2020 11:55:33 AM	WICP1220			Inmate Co-pay	(\$2.00)		\$200.08
BRY	12/15/2020 10:58:32 AM	80			Sales	(\$121.65)		\$202.08
BRY	12/11/2020 1:38:52 PM	TL1211			TRUL Withdrawal	(\$15.00)		\$323.73
BRY	12/9/2020 10:58:49 AM	TFN1209			Phone Withdrawal	\$300.00		\$338.73
BRY	12/8/2020 8:52:56 AM	2			Sales	(\$91.30)		\$38.73
BRY	12/4/2020 10:31:43 AM	WFRP1220			FRP Quarterly Pymt	(\$25.00)		\$130.03
BRY	11/30/2020 12:02:17 PM	80			Sales	(\$100.75)		\$155.03
BRY	11/23/2020 9:32:03 AM	40			Sales	(\$86.10)		\$255.78
BRY	11/21/2020 9:02:58 AM	33320326			Western Union	\$100.00		\$341.88
BRY	11/17/2020 10:55:37 AM	WICP1120			Inmate Co-pay	(\$2.00)		\$241.88
BRY	11/16/2020 3:44:16 PM	81			Sales	(\$48.55)		\$243.88
BRY	11/13/2020 11:03:16 AM	33320318			Western Union	\$200.00		\$292.43
BRY		26			Sales	(\$12.10)		\$92.43

Inmate Statement



Inmate Reg #: 44137177
 Inmate Name: STIGER, CYNTHIA
 Report Date: 05/20/2021
 Report Time: 6:57:28 PM

Current Institution: Bryan FPC
 Housing Unit: BRY-M-A
 Living Quarters: M01-102L

<u>Alpha</u>						<u>Transaction</u>	<u>Encumbrance</u>
<u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Amount Ending Balance</u>
BRY	10/5/2020 5:03:18 PM	33320279			Western Union	\$100.00	\$286.83
BRY	9/24/2020 9:06:58 PM	TL0924			TRUL Withdrawal	(\$30.00)	\$186.83
BRY	9/24/2020 9:18:19 AM	TL0924			TRUL Withdrawal	(\$30.00)	\$216.83
BRY	9/23/2020 6:02:01 PM	TFN0923			Phone Withdrawal	(\$100.00)	\$246.83
BRY	9/23/2020 9:19:45 AM	19			Sales	(\$65.05)	\$346.83
BRY	9/22/2020 8:02:55 PM	33320266			Western Union	\$250.00	\$411.88
BRY	9/22/2020 1:55:39 PM	VICP0920			Inmate Co-pay	(\$2.00)	\$161.88
BRY	9/21/2020 5:03:03 PM	33320265			Western Union	\$150.00	\$163.88
BRY	9/16/2020 8:23:54 AM	6			Sales	(\$157.70)	\$13.88
BRY	9/4/2020 8:07:09 AM	VFRP0920			FRP Quarterly Pymt	(\$25.00)	\$171.58
BRY	9/2/2020 7:01:21 PM	TL0902			TRUL Withdrawal	(\$5.00)	\$196.58
BRY	9/1/2020 2:01:45 PM	153			Sales	(\$80.70)	\$201.58
BRY	8/31/2020 12:40:21 PM	VICP0820			Inmate Co-pay	(\$2.00)	\$282.28
BRY	8/26/2020 10:07:13 AM	1			Sales	(\$22.35)	\$284.28
BRY	8/25/2020 11:52:51 AM	90			Sales	(\$69.95)	\$306.63
BRY	8/24/2020 9:25:40 AM	VICP0820			Inmate Co-pay	(\$2.00)	\$376.58
BRY	8/20/2020 8:57:53 PM	TL0820			TRUL Withdrawal	(\$30.00)	\$378.58
BRY	8/20/2020 7:02:51 PM	33320233			Western Union	\$300.00	\$408.58

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Total Transactions: 118

Totals: \$186.94 \$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>
BRY	\$295.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$295.52
Totals:	\$295.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$295.52

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>Natioanl 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>
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		