

CASE NO. 21-436

IN THE UNITED STATES SUPREME COURT
FOR THE
UNITED STATES OF AMERICA

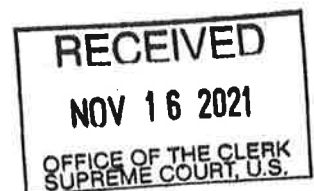
IN RE KEVIN D. LOGGINS SR.,
PETITION FOR WRIT HABEAS CORPUS,
MOVANT/PETITIONER;

VS.

STATE OF KANSAS AND UNITED STATES,
RESPONDENTS.

MOTION TO PROCEED IN FORMA PAUPERIS ON
PETITIONERS MOTION FOR REHEARING, PURSUANT TO RULE-44
IN COMPLIANCE WITH RULE-22 (APPLICATION TO
INDIVIDUAL JUSTICE [JUSTICE SONIA SOTOMAYOR])

Respectfully Submitted,
Kevin D. Loggins Sr. 11/16/2021
Kevin D. Loggins Sr.
#63088
HCF PO BOX 1568
Hutchinson, KS 67504



I. Petitioner/Movant seeking permission for leave to proceed in forma pauperis on movants motion for rehearing, pursuant to Rule-44, and in compliance with Rule-22 ((APPLICATION TO INDIVIDUAL JUSTICE [JUSTICE SONIA SOTOMAYOR])).

Statement of facts: The only statement the Court has ever made on this subject is that an affiant must show he is unable to "pay or give security for the costs . . . and still be able to provide' himself and dependents 'with the necessities of life.'" Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948).

This Court's Rule 45. However, 28 U.S.C. § 1915(a) provides that "[a]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor." This Court's **Rule 46.1**, which implements this statute, provides that "[a] party desiring to proceed in this Court in forma pauperis shall file a motion for leave to so proceed, together with his affidavit in the form prescribed in **Fed. Rules App. Proc., Form 4** . . . setting forth with particularity facts showing that he comes within the statutory requirements." (Quoting Brown v. Herald Co., 464 U.S. 928, 104 S. Ct. 331, 78 L. Ed. 2d 301, 78 L. Ed. 2d 303 (1983)).

Comes now, petitioner/movant seeking permission for leave to proceed in forma pauperis on movants motion for rehearing, pursuant to **Rule-44** and in compliance with **Rule-22** (Application to individual Justice [Justice Sonia Sotomayor]). In support of said motion for leave to proceed in forma pauperis, petitioner states the following:

1.) On this 9th day of November, 2021 movants institutional spending account consist of three separate accounts: 1.) Forced Savings; 2.) Mandatory Savings; and 3.) Inmate spending account. On the Spendable account \$201.01; On the Forced Savings Account \$132.92 and on the Mandatory Savings Account \$301.04.

The Mandatory Savings Account cannot be spent for any reason pursuant to **IMPP. 04-103**. The Forced Savings can be utilized to pay civil filing fee's and ones spendable account. On 11/8/2021 KDOC processed a Money withdrawal to remove the \$201.01 from the spendable account and the remaining \$99.99 from the Forced savings account to pay the \$300.00 filing fee in a related case filed with this court seeking Writ of Cert., from the United States Court of Appeals for the Tenth Circuit, in **Loggins v. Norwood**, Case No. 20-3009, mailed to the Court

on the 27th day of October, 2021.

Thus, leaving me unable to afford the \$200.00 filing fee to file movants motion for rehearing, for movant's account will only contain \$32.05 once the transaction to pay the filing fee in **Loggins v. Norwood**, Case No. 20-3009 is processed.

- 2.) Movant is housed in a penal institution without employment, accept a institutional porter job which only pays \$21.00 a month.
- 3.) Find enclosed a Affidavit and Declaration in Support of the Motion.
- 4.) Movant files this motion in good faith and encourage that the **Ends of Justice** will best be served if leave to proceed in forma pauperis is given, to prevent a continued **Miscarriage of Justice**.

Respectfully Submitted,

Kevin D. Loggins Sr.

#63088

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Hutchinson, KS 67504

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

I, Kevin D. Liggins Sr., 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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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	\$ N/A

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	\$ N/A

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
Mandatory Savings Prison Account	\$ 301.04	\$
Forced Savings Prison Account	\$ 132.92	\$ N/A
Spendable Account	\$ 201.01	\$

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

N/A

Amount owed to you

\$ N/A

Amount owed to your spouse

\$ 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

N/A

Relationship

N/A

Age

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

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$

\$

Home maintenance (repairs and upkeep)

\$

\$

Food

\$

\$

Clothing

\$

\$

Laundry and dry-cleaning

\$

\$

Medical and dental expenses

\$

\$

	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: <u>N/A</u>	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: <u>N/A</u>	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>N/A</u>	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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? N/A

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? N/A

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.

I'm incarcerated in a Kansas State Prison and have been for the past 26 years. I'm paid \$21 a month for the institutional work I am required to do. I have depleted my spendable accounts paying filing fee's in this case and the related cases 21-435 and Loggins v. Narwood, Appeal No. 20-3009 filed in this Court.

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

Executed on: November 10th, 2021

Kevin P. Loggins Sr.
(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**