

21-5129
No. _____

ORIGINAL

In the
Supreme Court of the United States

Supreme Court, U.S.
FILED

JUL 12 2021

OFFICE OF THE CLERK

In Re: GARY E. PEEL

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Comes now Gary E. Peel, *pro se*, and moves this Court for leave to proceed *in forma pauperis* with regard to his "PETITION FOR WRIT OF CERTIORARI," and, in support of said Motion, Gary E. Peel attaches hereto his "AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO PROCEED IN FORMA PAUPERIS."

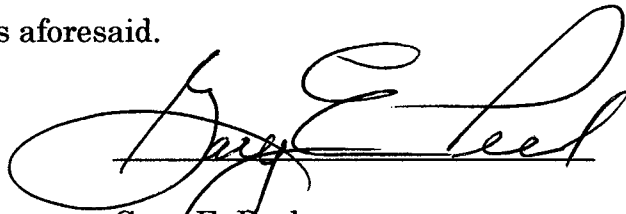
As Required by SCR 39, Gary E. Peel informs this Court that

- a) he sought leave to proceed *in forma pauperis* in the criminal case of "United States of America vs Gary E. Peel," case No. 06-30049 filed in the United States District Court for the Southern District of Illinois. Said motion for leave to proceed *in forma pauperis* was previously granted, and, pursuant to 18 U.S. Code § 3006A, the United States Public Defender's Office in East St. Louis, Illinois was appointed to represent Gary E. Peel. On appeal, appellate

counsel, Paul Camarena of North & Sedgewick Law Offices, LLC (Chicago, Illinois) was initially appointed by the Seventh Circuit as my appellate counsel, but due to a deterioration in the attorney-client relationship, Paul Camarena was replaced by Gerald S. Solovy of Jenner & Block (Chicago, IL) was appointed to continue as appointed counsel.

- b) he sought leave to proceed *in forma pauperis* in the habeas corpus proceeding initiated in the criminal case of “United States of America vs Gary E. Peel,” case No. 06-30049 filed in the United States District Court for the Southern District of Illinois. Said motion for leave to proceed *in forma pauperis* was granted on 8-10-18.
- c) He sought leave to proceed *in forma pauperis* when he filed an “ORIGINAL PETITION FOR WRIT OF MANDAMUS” with the United States Supreme Court (Case No. 20-7597, file 3-23-21 and docketed 3-29-21. This Court denied the “ORIGINAL PETITION FOR WRIT OF MANDAMUS” on 4-26-21 without making any ruling on Petitioner’s *in forma pauperis* motion.

WHEREFORE, Gary E. Peel moves as aforesaid.

A handwritten signature in black ink, appearing to read "Gary E. Peel", with a large, stylized flourish extending from the end of the signature.

Gary E. Peel, *pro se*
9705 (Rear) Fairmont Road
Fairview Heights, IL 62208
Garyepeel@Hotmail.com
618-514-7203 (Cell)

No. _____

In the
Supreme Court of the United States

In Re: GARY E. PEEL

PETITION FOR WRIT OF CERTIORARI

AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO PROCEED IN FORMA PAUPERIS

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: _____

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: July 12, 2021

My issue on THE Petition for Writ of Certiorari is:

"Whether a stand-alone (a/k/a free-standing) claim of "actual innocence" is cognizable in a *federal non-capital* criminal case."

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	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Self-employment	\$ 350	\$ N/A	\$ 200.	\$ N/A
Income from real property (such as rental income)	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Interest and dividends	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Alimony	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Child support	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 1,715.30 (Soc. Sec.) See Suppl. Re: Annuities & Covid-19 Payments	\$ N/A	\$ 1,715.30 (Soc. Sec.) See Suppl. Re: Annuities & Covid-19 Payments	\$ N/A
Disability (such as social security, insurance payments)	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Unemployment payments	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Public assistance (such as welfare)	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Other (specify):	\$ -0-	\$ N/A	\$ N/A	\$ N/A
Total monthly income:	\$ 2,065.30 + Covid-19 Payments	\$ N/A	\$ 1,915.30 +	\$ N/A

2. *List your 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
Occasional & irregular self-employment	9705 (Rear) Fairmont Road, Fairview Heights, IL 62208	Approx. 9-19-17 to present	\$ varies – approx. \$350 per mo. for the last 12 months
			\$
			\$

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
Not Applicable	Not Applicable	Not Applicable	\$ N/A
			\$
			\$

4. *How much cash do you and your spouse have? \$ 107.00 (N/A as to "spouse.") Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Granite City Steel Credit Union	Savings	\$ 105.00	\$ Not Applicable
Direct Express	(Social Security MasterCard Debit Account)	\$ 15,300.62	\$ Not Applicable

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

– Not Applicable, I am not a prisoner

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

Home	Other real estate	Motor vehicle #1
(Value) \$ -0-	(Value) \$ -0-	(Value) \$15,000
		Make and year: 2015 Jaguar
		Model: XK*
		Registration #: AF7-6124 (IL)
		VIN# SAJDA42C852A43241

Motor vehicle #2	Other assets – Misc.	Other assets
(Value) \$ Not Applicable	Est. less than \$1,000 – See Supplement Attached	N/A
Make and year: N/A		
Model: N/A		
Registration #: 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
See attached Supplement	\$ -0-	\$ Not Applicable

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

Name [or, if under 18, initials only]	Relationship	Age
None	Not Applicable	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, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home) 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	\$ 500.	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 100. varies	\$ N/A
Home maintenance (repairs and upkeep)	\$ -0-	\$ N/A
Food	\$ 500. varies	\$ N/A
Clothing	\$ 50. varies	\$ N/A
Laundry and dry-cleaning	\$ 10. varies	\$ N/A
Medical and dental expenses	\$ 100. varies	\$ N/A
Transportation (not including motor vehicle payments)	\$ 100. varies	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 50. varies	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's: None	\$ -0-	\$ N/A
Life: None	\$ -0-	\$ N/A
Health: Medicare/United Healthcare	\$ -0-	\$ N/A

Motor vehicle: Madison Mutual Ins. Co.	\$ 68.	\$ N/A
Other:	\$ -0-	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 107 Federal & \$45 (IL) in 2020	\$ N/A
Installment payments		
Motor Vehicle:	\$ -0-	\$ N/A
Credit card (name): Best Buy (VISA)	\$ 20.	\$ N/A
Department store (name):	\$ -0-	\$ N/A
Other: Spectrum	\$ 20.	\$ N/A
Alimony, maintenance, and support paid to others	\$ -0-	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ -0-	\$ N/A
Other (specify):	\$	\$ N/A
Total monthly expenses:	\$ 1,670.00	\$ N/A

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. **Not applicable.**
10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☐ Yes ☒ No
If yes, how much? **Not Applicable**
11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal. See Attached "SUPPLEMENT TO AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO PROCEED IN FORMA PAUPERIS" which includes over \$923,000. in accumulating debt obligations.*
12. *State the city and state of your legal residence.* **Fairview Heights, Illinois**
Your daytime phone number: **(618) 514-7203**
Your age: **77** *Your years of schooling:* **18**
Last four digits of your social-security number: **8495**

to my second wife, Deborah A. Pontious even though she was awarded these assets in our divorce (referenced above). Accordingly, the monies that I receive from these annuities each month are promptly turned over to her, by me, as required by the terms of our divorce (so that I will not be held in contempt of court for non-compliance). I do not get to keep either of these monthly annuity payments.

\$453,000 (\$300,000 Judgment + approximately \$153,000 Interest) Because my request for a Chapter 7 bankruptcy discharge was denied (due to my “bankruptcy fraud” conviction in Case No. 06-CR-30049, above), my non-maintenance divorce obligations to my first wife remain pending, in St. Clair County, Illinois. On November 13, 2015, she secured a judgment against me for \$300,000 for monies then due under our divorce decree and not paid out of the bankruptcy proceedings. (I believe that – at the time of the judgment - interest ran on this sum at .09% per year, for \$153,000 through approximately 7-13-21).

\$470,000 Post-Divorce Obligations: In addition to the \$300,000 obligation, referenced above, plus interest at .09%/annum), I owe my first wife an additional \$470,000 (for \$2,500 monthly due to her under the same decree but running from November 13, 2005, through 7-13-21, i.e. 15 years and 8 months).

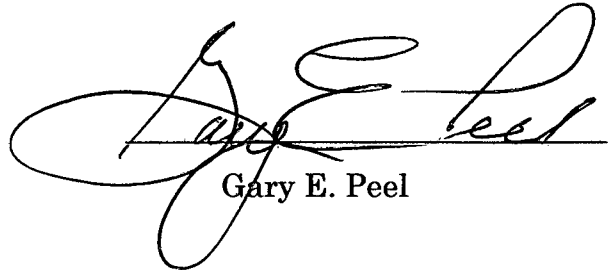
Illinois Supreme Court Statement of Costs: As a result of my criminal conviction (above) my licenses to practice law were terminated. The Illinois Attorney and Registration Commission taxed costs associated with the disbarment proceedings. Illinois Bar No. 2166259), Supreme Court Case No. M.R.26341, Attorney Registration and Disciplinary Commission (ARDC) No. 2007PR00117. I was taxed costs relative to that in the sum of \$657.26 on 5-15-14, (with interest running at .09% per annum.. The current balance due, as of 6-15-21 is \$1,041.74.

Current Employment Income: I have no regular current employment income, although from 1-1-21 through 3-22-21, I have received approximately \$350.00/ mo. in miscellaneous self-employment income.

Covid-19 Relief: On approximately 1-6-21 (\$600.00) and 4-24-20 (\$1,200.00), and 3-24-21 (\$1,400.00) I received Covid-19 federal relief funds.

Other assets: My other "assets" [consisting of used clothing, used furniture, used electronic devices (laptop computer, television sets, cell phones, and printers) and personal effects] have a used value that I estimate at less than \$1,000.00 in value.

July 12, 2021
Date


Gary E. Peel