

21-5185

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

JUL 15 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

LEXTON PELLEW — 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):

DISTRICT OF COLUMBIA

☐ 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.

Lexton Pellew
Lexton Pellew
(Signature)
RECEIVED
JUL 20 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Lexton Pellew, 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>64.30</u>	\$ <u>NA</u>	\$ <u>64.30</u>	\$ <u>NA</u>
Self-employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Gifts	\$ <u>200-300</u>	\$ <u>NA</u>	\$ <u>200-300</u>	\$ <u>NA</u>
Alimony	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Child Support	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>264-364</u>	\$ <u>NA</u>	\$ <u>264-364</u>	\$ <u>NA</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
FCI Butner 2	PO Box 1500	2020-pres	\$ 64.30
			\$
			\$

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	NA	NA	\$ NA
			\$
			\$

4. How much cash do you and your spouse have? \$ 5,994.31
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
Inmate Trust	Savings	\$ 5994.31	\$ NA
		\$	\$
		\$	\$

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

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

☐ Other real estate
Value NA

☐ Motor Vehicle #2
Year, make & model
Value NA

☐ Other assets
Description
Value NA

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
NA	\$ NA	\$ NA
	\$	\$
	\$	\$

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

Name	Relationship	Age
NA	NA	NA

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.

Rent or home-mortgage payment
(include lot rented for mobile home)

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

\$ NA

\$ NA

\$ NA

\$ NA

\$ NA

\$ NA

\$ 150.00

\$ NA

\$ NA

\$ NA

\$ 10.00

\$ NA

\$ NA

\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NA</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>NA</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>NA</u>	\$ <u>NA</u>
Life	\$ <u>NA</u>	\$ <u>NA</u>
Health	\$ <u>NA</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Other: _____	\$ <u>NA</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>NA</u>	\$ <u>NA</u>
Installment payments		
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Credit card(s)	\$ <u>NA</u>	\$ <u>NA</u>
Department store(s)	\$ <u>NA</u>	\$ <u>NA</u>
Other: _____	\$ <u>NA</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ <u>NA</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly expenses:	\$ <u>160.00</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? NA

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

NA/ Pro Se

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:

NA/Pro Se

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

I live off of what institutional pay I get a month and from time to time family gifts.

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

Executed on: July 14th, 2021



Lexton Pellew, 75551-053

(Signature)

InmateStatementCombined

Inmate Statement



Inmate Reg #: 75551053
 Inmate Name: PELLEW, LEXTON
 Report Date: 06/29/2021
 Report Time: 2:49:01 PM

Current Institution: Butner FCC
 Housing Unit: BTF-O-D
 Living Quarters: 004-049L

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount (\$29.90)	Encumbrance Amount	Ending Balance
BUX	6/29/2021	85			Sales			\$5,994.31
BUX	12:16:38 PM				TRUL Withdrawal	(\$30.00)		\$6,024.21
BUX	6/26/2021	TL0626			Western Union	\$50.00		\$6,054.21
BUX	7:41:23 PM	33321174			TRUL Withdrawal	(\$10.00)		\$6,004.21
BUX	6/23/2021	TL0622			Sales	(\$23.40)		\$6,014.21
BUX	2:07:47 PM				Sales	\$10.40		\$6,037.61
BUX	6/22/2021	72			Sales	(\$46.60)		\$6,027.21
BUX	11:48:43 AM	71			Sales	(\$53.00)		\$6,073.81
BUX	6/22/2021	70			Western Union	\$100.00		\$6,126.81
BUX	11:47:27 AM	57			TRUL Withdrawal	(\$30.00)		\$6,026.81
BUX	6/15/2021	33321165			Western Union	\$200.00		\$6,056.81
BUX	6/14/2021	TL0611			Sales	(\$42.70)		\$5,856.81
BUX	9:08:09 PM	33321161			Payroll - IPP	\$64.30		\$5,899.51
BUX	6/11/2021	53			TRUL Withdrawal	(\$30.00)		\$5,835.21
BUX	5:18:06 PM	WIPP0521			Western Union	\$300.00		\$5,865.21
BUX	6/10/2021	TL0606			Western Union	\$300.00		\$5,565.21
BUX	6:07:17 PM	33321154			Western Union	\$300.00		\$5,265.21
BUX	6/8/2021	33321154			Western Union	\$300.00		\$4,965.21
BUX	11:55:28 AM	33321154			Western Union	\$300.00		\$4,665.21
BUX	6/8/2021	33321154			Western Union	\$35.00		\$4,630.21
BUX	7:08:55 AM	33321154			Western Union	\$300.00		\$4,330.21
BUX	6/6/2021	33321154			Western Union	\$300.00		\$4,030.21
BUX	8:19:49 AM	33321154			Western Union	\$300.00		\$3,730.21
BUX	6/3/2021	33321154			TRUL Withdrawal	(\$30.00)		\$3,760.21
BUX	7:11:07 AM	33321154			TRUL Withdrawal	(\$10.00)		\$3,770.21
BUX	7:11:04 AM	33321154			Sales	(\$33.70)		\$3,803.91
BUX	7:11:02 AM	33321154			TRUL Withdrawal	(\$10.00)		\$3,813.91
BUX	7:10:56 AM	33321154			TRUL Withdrawal	(\$15.00)		\$3,828.91
BUX	6/3/2021	33321154			Sales	(\$129.45)		\$3,958.36
BUX	7:10:54 AM	33321154			Western Union	\$40.00		\$3,918.36
BUX	6/3/2021	33321154			TRUL Withdrawal	(\$30.00)		\$3,948.36
BUX	7:10:52 AM	33321154			Sales	(\$67.00)		\$4,015.36
BUX	6/3/2021	33321154			Payroll - IPP	\$20.00		
BUX	7:10:49 AM	33321154						
BUX	6/3/2021	33321154						
BUX	7:10:47 AM	33321154						
BUX	5/30/2021	TL0530						
BUX	7:40:17 AM	TL0527						
BUX	5/27/2021	TL0527						
BUX	6:22:59 PM	55						
BUX	5/24/2021	TL0523						
BUX	10:34:46 AM	TL0521						
BUX	5/23/2021	TL0521						
BUX	5:44:57 PM	49						
BUX	5/21/2021	33321136						
BUX	2:59:05 PM	TL0512						
BUX	5/18/2021	78						
BUX	11:29:48 AM	WIPP0421						
BUX	5/16/2021							
BUX	11:07:11 AM							
BUX	5/12/2021							
BUX	6:37:53 AM							
BUX	5/11/2021							
BUX	11:59:41 AM							

InmateStatementCombined

	5/7/2021							
	2:05:36 PM							
BUX	5/4/2021	71		Sales	(\$102.35)			\$3,995.36
	11:19:53 AM							
BUX	5/2/2021	33321122		Western Union	\$300.00			\$4,097.71
	11:07:08 AM							
BUX	5/2/2021	33321122		Western Union	\$300.00			\$3,797.71
	11:07:06 AM							
BUX	5/2/2021	33321122		Western Union	\$300.00			\$3,497.71
	11:07:03 AM							
BUX	5/2/2021	TL0502		TRUL Withdrawal	(\$10.00)			\$3,197.71
	6:23:13 AM							
BUX	4/27/2021	33321117		Western Union	\$220.00			\$3,207.71
	7:07:31 PM							
BUX	4/27/2021	33321117		Western Union	\$300.00			\$2,987.71
	7:07:29 PM							
BUX	4/27/2021	33321117		Western Union	\$300.00			\$2,687.71
	7:07:27 PM							
BUX	4/27/2021	33321117		Western Union	\$300.00			\$2,387.71
	7:07:25 PM							
BUX	4/27/2021	33321117		Western Union	\$300.00			\$2,087.71
	7:07:23 PM							
BUX	4/27/2021	46		Sales	(\$2.80)			\$1,787.71
	11:49:12 AM							
BUX	4/27/2021	45		Sales	(\$60.25)			\$1,790.51
	11:47:46 AM							
BUX	4/23/2021	40		Sales	(\$84.70)			\$1,850.76
	10:08:29 AM							
BUX	4/19/2021	TL0419		TRUL Withdrawal	(\$30.00)			\$1,935.46
	3:28:05 PM							
BUX	4/16/2021	76		Sales	(\$56.75)			\$1,965.46
	1:16:58 PM							
BUX	4/13/2021	TL0413		TRUL Withdrawal	(\$30.00)			\$2,022.21
	7:59:01 AM							
BUX	4/10/2021	TL0410		TRUL Withdrawal	(\$5.00)			\$2,052.21
	7:25:44 AM							
BUX	4/8/2021	67		Sales	(\$53.10)			\$2,057.21
	1:25:31 PM							
123								
Total Transactions: 114								
				Totals:	\$5,226.55		\$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>
BUX	\$5,994.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,994.31
Totals:	\$5,994.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,994.31

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>
\$7,189.30	\$1,748.00	\$2,326.36	\$6,126.81	\$5,765.19	N/A	N/A

Inmate Statement



Inmate Reg #: 75551053 Current Institution: Butner FCC
 Inmate Name: PELLEW, LEXTON Housing Unit: BTF-O-D
 Report Date: 06/29/2021 Living Quarters: 004-049L
 Report Time: 5:33:49 PM

Alpha						Transaction	Encumbrance
Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Amount	Amount Ending Balance
BUX	4/3/2021 6:19:20 PM	TL0403			TRUL Withdrawal	(\$5.00)	\$2,110.31
BUX	4/1/2021 9:37:53 AM	37			Sales	(\$48.40)	\$2,115.31
BUX	3/30/2021 9:43:39 AM	TL0330			TRUL Withdrawal	(\$10.00)	\$2,163.71
BUX	3/27/2021 3:07:46 PM	33321086			Western Union	\$50.00	\$2,173.71
BUX	3/25/2021 9:45:02 AM	4			Sales	(\$88.40)	\$2,123.71
BUX	3/25/2021 9:43:12 AM	3			Sales	(\$58.00)	\$2,212.11
BUX	3/23/2021 8:02:24 AM	TL0323			TRUL Withdrawal	(\$30.00)	\$2,270.11
BUX	3/16/2021 8:08:13 PM	33321075			Western Union	\$200.00	\$2,300.11
BUX	3/15/2021 12:08:13 PM	33321074			Western Union	\$200.00	\$2,100.11
BUX	3/14/2021 12:07:42 PM	33321073			Western Union	\$300.00	\$1,900.11
BUX	3/12/2021 4:47:50 PM	TL0312			TRUL Withdrawal	(\$15.00)	\$1,600.11
BUX	3/9/2021 6:07:49 PM	33321068			Western Union	\$300.00	\$1,615.11
BUX	3/9/2021 6:07:47 PM	33321068			Western Union	\$300.00	\$1,315.11
BUX	3/9/2021 6:07:45 PM	33321068			Western Union	\$300.00	\$1,015.11
BUX	3/9/2021 6:07:43 PM	33321068			Western Union	\$200.00	\$715.11
BUX	3/9/2021 6:07:40 PM	33321068			Western Union	\$300.00	\$515.11
BUX	3/9/2021 9:37:11 AM	31			Sales	(\$38.40)	\$215.11
BUX	3/9/2021 7:36:33 AM	TL0309			TRUL Withdrawal	(\$10.00)	\$253.51
BUX	3/6/2021 9:06:46 AM	33321065			Western Union	\$60.00	\$263.51
BUX	3/2/2021 9:55:43 AM	5			Sales	(\$53.10)	\$203.51
BUX	2/25/2021 2:30:52 PM	TL0225			TRUL Withdrawal	(\$10.00)	\$256.61
BUX	2/23/2021 9:17:40 AM	6			Sales	(\$34.60)	\$266.61
BUX	2/17/2021 10:11:30 AM	44			Sales	(\$41.30)	\$301.21
BUX	2/9/2021 9:53:21 AM	20			Sales	(\$41.60)	\$342.51
BUX	2/3/2021 8:28:27 AM	TL0203			TRUL Withdrawal	(\$10.00)	\$384.11
BUX	2/2/2021 10:21:40 AM	31			Sales	(\$45.55)	\$394.11
BUX	1/26/2021 11:56:10 AM	39			Sales	(\$28.35)	\$439.66
BUX	1/20/2021 10:03:21 AM	33321020			Western Union	\$50.00	\$468.01
BUX	1/18/2021 1:13:37 PM	TL0118			TRUL Withdrawal	(\$10.00)	\$418.01
BUX	1/12/2021 8:58:54 AM	12			Sales	(\$60.70)	\$428.01
BUX	1/5/2021 9:06:59 AM	14			Sales	(\$49.30)	\$488.71
BUX		TL0102			TRUL Withdrawal	(\$15.00)	\$538.01

1/2/2021					
BUX	12:54:27 PM		Western Union	\$50.00	\$553.01
BUX	12/25/2020 33320360				
BUX	1:09:29 PM		Sales	(\$52.00)	\$503.01
BUX	12/23/2020 43				
BUX	10:28:20 AM		TRUL Withdrawal	(\$10.00)	\$555.01
BUX	12/22/2020 TL1222				
BUX	8:05:00 AM		Western Union	\$200.00	\$565.01
BUX	12/20/2020 33320355				
BUX	9:04:01 PM		TRUL Withdrawal	(\$10.00)	\$365.01
BUX	12/19/2020 TL1219				
BUX	7:59:54 AM		TRUL Withdrawal	(\$15.00)	\$375.01
BUX	12/18/2020 TL1218				
BUX	7:39:29 PM		Sales	(\$150.65)	\$390.01
BUX	12/18/2020 46				
BUX	1:55:23 PM		TRUL Withdrawal	(\$5.00)	\$540.66
BUX	12/14/2020 TL1214				
BUX	7:55:28 AM		Western Union	\$200.00	\$545.66
BUX	12/11/2020 33320346				
BUX	10:04:05 PM		Western Union	\$300.00	\$345.66
BUX	12/11/2020 33320346				
BUX	10:04:04 PM		TRUL Withdrawal	(\$5.00)	\$45.66
BUX	12/11/2020 TL1211				
BUX	10:35:58 AM		TRUL Withdrawal	(\$10.00)	\$50.66
BUX	12/6/2020 TL1206				
BUX	7:11:42 PM		Sales	(\$194.25)	\$60.66
BUX	12/4/2020 28				
BUX	9:57:18 AM		TRUL Withdrawal	(\$10.00)	\$254.91
BUX	12/2/2020 TL1202				
BUX	6:00:04 PM		TRUL Withdrawal	(\$10.00)	\$264.91
BUX	11/22/2020 TL1122				
BUX	1:19:44 PM		Sales	(\$145.35)	\$274.91
BUX	11/20/2020 28				
BUX	12:03:15 PM		Western Union	\$50.00	\$420.26
BUX	11/14/2020 33320319				
BUX	4:04:11 PM		Sales	(\$63.90)	\$370.26
BUX	11/13/2020 93				
BUX	12:19:06 PM				

123

Total Transactions: 114

Totals: \$5,226.55 \$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>
BUX	\$5,994.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,994.31
Totals:	\$5,994.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,994.31

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		