

No. _____

In the Supreme Court of the United States

ADEMOLA ADEBAYO,

Petitioner,

Versus

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

The Petitioner moves this Court pursuant to Rule 39 for leave to proceed *in forma pauperis*. Petitioner previously moved to proceed *in forma pauperis* and was appointed the services of the Federal Public Defender, pursuant to Title 18, United States Code, Section 3006A. The Petitioner then retained private counsel to represent him thereafter. Regardless, the Petitioner's affidavit or declaration in support of this motion is attached hereto. In light of the Petitioner having previously been granted leave to proceed *in forma pauperis*, as well as the attached statement, the Petitioner respectfully requests that he be entitled to proceed *in forma pauperis*.

Respectfully submitted,
Ademola Adebayo, Petitioner

Rachael E. Reese

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Counsel of Record for Petitioner
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Date: July 20, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-20538-CR-MORENO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADEMOLA O. ADEBAYO,

Defendant.

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

THE COURT appoints the Federal Public Defender's Office to represent the defendant in the above styled cause for purposes of appeal.

DONE and ORDERED in Miami-Dade County Florida this 20th day of March, 2019.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

All counsel of record

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

I, ADEMOLA ADEBAYO, 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>69.20</u>	\$ <u>2840.00</u>	\$ <u>140.00</u>	\$ <u>3,100.00</u>
Self-employment	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Income from real property (such as rental income)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Interest and dividends	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Gifts	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Alimony	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Child Support	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Unemployment payments	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Other (specify): _____	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Total monthly income:	\$ <u>69.20</u>	\$ <u>2840.00</u>	\$ <u>140.00</u>	\$ <u>3,100.00</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
Bureau of Prisons Federal Corrections Institution	Box 625 Estill, S.C. 29917	April 2019 - July 2020	\$ 24.00
Federal Corrections Institution	Box 7007, Marquette, FL	July 2020 - March 2021	\$ 39.00
Federal Corrections Institution	Box 1031 Calexico, CA	April 2021 - July 2021 present	\$ 93.00

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
Active Insurance Part Time (as needed)	4630 Woodland Blvd Tampa, FL Tampa, FL	2016 - Present 2019 - Present 2020 - Present	\$ 1,940.00 \$ 500.00 \$ 800.00

4. How much cash do you and your spouse have? \$ 2,150.00
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
_____	\$ 0.00	\$ 2,150.00
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Home

Value \$ 360,00.00

Other real estate

Value /

Motor Vehicle #1

Year, make & model Infiniti, 2011
Value \$ 15,700.00

Motor Vehicle #2

Year, make & model KIA 2016
Value \$ 16,300.00

Other assets

Description None

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
—	\$ —	\$ —
—	\$ —	\$ —
—	\$ —	\$ —

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
A. A.	Daughter	16
—	—	—
—	—	—

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)	\$ —	\$ —
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)	\$ —	\$ 400.00
Home maintenance (repairs and upkeep)	\$ —	\$ 90.00
Food	\$ 90.00	\$ 440.00
Clothing	\$ —	\$ 200.00
Laundry and dry-cleaning	\$ —	\$ 58.00
Medical and dental expenses	\$ —	\$ —

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ —	\$ —
Recreation, entertainment, newspapers, magazines, etc.	\$ —	\$ —
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ —	\$ 116.00
Life	\$ —	\$ —
Health	\$ —	\$ —
Motor Vehicle	\$ —	\$ 210.00
Other: _____	\$ —	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ —	\$ 527.00
Credit card(s)	\$ —	\$ 350.00
Department store(s)	\$ —	\$ 150.80
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:	\$ 90.00	\$ 2542.70

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 right now and my spouse is the only source of income for the family

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

Executed on: July 7th, 2021

Adriana Alabago
(Signature)

All Transactions

[REDACTED] PRIVATE

Inmate Reg #:	17711104	Current Institution:	Coleman FCC
Inmate Name:	ADEBAYO, ADEMOLA	Housing Unit:	COL-F-D
Report Date:	07/07/2021	Living Quarters:	F13-414L
Report Time:	3:04:45 PM		

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
6/29/2021 1:24:09 PM	Sales - Fingerprint	(\$5.50)	19		\$0.07
6/22/2021 12:20:57 PM	Sales - Fingerprint	(\$13.00)	6		\$5.57
6/14/2021 3:04:03 PM	Sales - Fingerprint	(\$49.50)	58		\$18.57
6/7/2021 7:32:06 PM	Sales - Fingerprint	(\$2.70)	156		\$68.07
6/7/2021 6:15:05 PM	Sales - Fingerprint	(\$1.30)	96		\$70.77
6/7/2021 6:14:05 PM	Sales - Fingerprint	(\$49.75)	95		\$72.07
6/4/2021 8:39:16 AM	FRP Quarterly Pymt	(\$25.00)	WFRP0621		\$121.82
6/4/2021 8:37:26 AM	Payroll - IPP	\$95.00	WIPPO521		\$146.82
6/4/2021 8:37:16 AM	Payroll - IPP	\$45.00	WIPPO521		\$51.82
6/3/2021 3:06:42 PM	Sales - Fingerprint	(\$5.90)	85		\$6.82
5/25/2021 1:29:57 PM	Sales - Fingerprint	(\$15.70)	72		\$12.72
5/18/2021 9:52:43 AM	Sales - Fingerprint	(\$33.15)	39		\$28.42
5/11/2021 1:17:32 PM	Sales - Fingerprint	(\$6.10)	50		\$61.57
5/11/2021 1:17:25 PM	Sales - Fingerprint	\$1.50	49		\$67.67
5/11/2021 1:13:16 PM	Sales - Fingerprint	(\$49.80)	48		\$66.17
5/10/2021 8:15:39 AM	Payroll - IPP	\$68.00	WIPPO421		\$115.97
5/10/2021 8:15:39 AM	Payroll - IPP	\$28.80	WIPPO421		\$47.97
5/4/2021 1:39:46 PM	Sales - Fingerprint	(\$53.20)	33		\$19.17
4/26/2021 11:57:15 AM	Sales - Fingerprint	(\$11.20)	17		\$72.37
4/20/2021 11:31:14 AM	Sales - No FP (Non-FP Session)	(\$54.60)	1		\$83.57
4/16/2021 4:07:56 PM	Western Union	\$100.00	33321106		\$138.17
4/14/2021 12:02:49 PM	Sales - No FP (Non-FP Session)	(\$46.25)	1		\$91.92
4/6/2021 11:43:39 AM	Sales - No FP (Non-FP Session)	(\$52.25)	1		\$84.42
4/1/2021 10:07:12 AM	Western Union	\$100.00	33321091		\$136.67
4/1/2021 4:13:06 AM	Transfer - In from TRUFACS	\$36.67	TX040121		\$36.67

1