

No. 21-5743

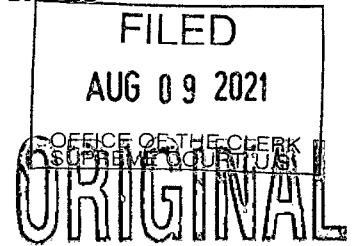
IN THE UNITED STATES SUPREME COURT OF THE UNITED STATES

RAFAEL FERNANDEZ GARCIA,

Petitioner

vs  
UNITED STATES OF AMERICA,

Respondent



**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

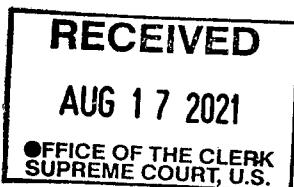
The Petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

(\*) Petitioner has previously been granted leave to proceed in forma pauperis in the following court:

United States Court of Appeals for the Eleventh Circuit,  
Case No. 20-12868 (the court below that is the subject of the foregoing writ).

(\*) Petitioner's affidavit or declaration in support of this motion is contained herein.

I, Rafael Fernandez Garcia, am a prisoner in federal custody and have always been granted leave to proceed in the courts below without prepayment of fees or costs.



DECLARATION

I, Rafael Fernandez Garcia, hereby declare under the penalty of perjury that the foregoing declaration of poverty in support of a petition for a writ of certiorari is true and correct to the best of my knowledge. See 28 U.S.C. § 1746.

So Done On This 9 Day of August 2021.

Rafael Fernandez

Rafael Fernandez Garcia  
Reg #91169-004  
FCI Coleman-Medium  
P.O. Box 1032  
Coleman, Florida 33521

AUG 09 2021

OFFICE OF THE CLERK

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

RAFAEL FERNANDEZ GARCIA — 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):

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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.

  
(Signature)

RECEIVED

SEP 15 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

I, RAFAEL FERNANDEZ GARCIA, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>
Income from real property (such as rental income)	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>
Interest and dividends	\$ <u>  </u> <span style="display: inline-block; width: 10px; vertical-align: middle;">↓</span>	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>
Gifts	\$ <u>50</u>	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>
Alimony	\$ <u>0</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>	\$ <u>  </u>
<b>Total monthly income:</b>	\$ <u>50</u>	\$ <u>  </u> <span style="display: inline-block; width: 10px; vertical-align: middle;">↓</span>	\$ <u>  </u> <span style="display: inline-block; width: 10px; vertical-align: middle;">↓</span>	\$ <u>  </u> <span style="display: inline-block; width: 10px; vertical-align: middle;">↓</span>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____

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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____

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.

<b>Type of account (e.g., checking or savings)</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
_____	\$_____	\$_____
_____	\$_____	\$_____
_____	\$_____	\$_____

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

Home  
 Value \_\_\_\_\_

Other real estate  
 Value \_\_\_\_\_

Motor Vehicle #1  
 Year, make & model \_\_\_\_\_  
 Value \_\_\_\_\_

Motor Vehicle #2  
 Year, make & model \_\_\_\_\_  
 Value \_\_\_\_\_

Other assets  
 Description \_\_\_\_\_  
 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
N/A	\$ N/A	\$ 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	Relationship	Age
N/A	N/A	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)	\$ 0	\$ N/A
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)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 1	\$ 1
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 1	\$ 1
Life	\$ 1	\$ 1
Health	\$ 1	\$ 1
Motor Vehicle	\$ 1	\$ 1
Other: _____	\$ 1	\$ 1
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 1	\$ 1
Installment payments		
Motor Vehicle	\$ 1	\$ 1
Credit card(s)	\$ 1	\$ 1
Department store(s)	\$ 1	\$ 1
Other: _____	\$ 1	\$ 1
Alimony, maintenance, and support paid to others	\$ 1	\$ 1
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 1	\$ 1
Other (specify): _____	\$ 1	\$ 1
<b>Total monthly expenses:</b>	\$ 1	\$ 1

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? \$300.00

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

LISA LYNNETE 720-496-9761  
4146 ORLEANS ST  
DENVER, CO. 80249

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

I AM A PRISONER ON COVID-19 LOCKDOWN

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

Executed on: AUGUST 30, 2021

Rafael Fernanf  
(Signature)