

No. 21-5743

IN THE UNITED STATES SUPREME COURT OF THE UNITED STATES

RAFAEL FERNANDEZ GARCIA,

Petitioner

vs

UNITED STATES OF AMERICA,

Respondent

FILED

AUG 09 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.  
ORIGINAL

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.

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AUG 17 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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 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.

Rafael Fernandez  
(Signature)

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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.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$ 50	\$	\$	\$
Alimony	\$ 0	\$	\$	\$
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): _____	\$	\$	\$	\$
<b>Total monthly income:</b>	\$ 50	\$	\$	\$

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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**

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.

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**

\$ 0  
↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓

\$ N/A  
↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓  
 \$ ↓

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

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 LYNETTE 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 Fernandez  
(Signature)