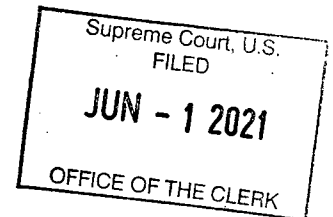


No. 21-5945

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Bobby Joe Barton — PETITIONER
(Your Name)



VS.

SCOTT B. Lewis — 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):

The SC Ct. App., Ct. of COMM PLEAS (P.C.R.), SC Supreme Court,
District Ct. SC, Ct. of App. 4th 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.

Bobby Joe Barton
(Signature)

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

I, Bobby Joe Barton, 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>-0-</u>	\$ <u>N/A</u>	\$ <u>-0-</u>	\$ <u>N/A</u>
Self-employment	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Interest and dividends	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Gifts	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Alimony	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Child Support	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Unemployment payments	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Other (specify): <u> </u>	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>
Total monthly income:	\$ <u>-0-</u>	\$ <u>N/A</u>	\$ <u>-0-</u>	\$ <u>N/A</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
<u>NONE</u>	<u>INCARCERATED</u>		\$ <u>-0-</u>
<u>NONE</u>	<u>INCARCERATED</u>		\$ <u>-0-</u>
<u>NONE</u>	<u>INCARCERATED</u>		\$ <u>-0-</u>

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
<u>NONE</u>			\$ <u>-0-</u>
<u>NONE</u>			\$ <u>-0-</u>
<u>NONE</u>			\$ <u>-0-</u>

4. How much cash do you and your spouse have? \$ -0-
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
<u>NONE</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
<u>NONE</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
<u>NONE</u>	\$ <u>-0-</u>	\$ <u>-0-</u>

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

☒ Home
Value N/A

☒ Other real estate
Value N/A

☒ Motor Vehicle #1
Year, make & model N/A
Value _____

☒ Motor Vehicle #2
Year, make & model N/A
Value _____

☒ Other assets
Description N/A
Value NONE

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

None

\$ -0-

\$ N/A

None

\$ -0-

\$ N/A

None

\$ -0-

\$ 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

None

N/A

None

N/A

None

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)

\$ N/A

\$ Divorced

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ N/A

\$ -0-

Home maintenance (repairs and upkeep)

\$ N/A

\$ -0-

Food

\$ N/A

\$ -0-

Clothing

\$ N/A

\$ -0-

Laundry and dry-cleaning

\$ N/A

\$ -0-

Medical and dental expenses

\$ \$15.00 monthly

\$ -0-

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NONE N/A</u>	\$ <u>DIVORCED</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A 0-</u>	\$ <u>-0-</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>-0-</u>
Life	\$ <u>N/A</u>	\$ <u>-0-</u>
Health	\$ <u>N/A</u>	\$ <u>-0-</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>-0-</u>
Other: <u>NONE</u>	\$ <u>N/A</u>	\$ <u>-0-</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>N/A</u>	\$ <u>-0-</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>-0-</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>-0-</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>-0-</u>
Other: <u>NONE</u>	\$ <u>N/A</u>	\$ <u>-0-</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>-0-</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>-0-</u>
Other (specify): <u>NONE</u>	\$ <u>N/A</u>	\$ <u>-0-</u>
Total monthly expenses:	\$ <u>-0-</u>	\$ <u>-0-</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? _____

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? _____

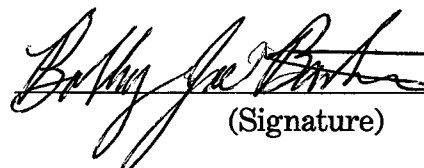
If yes, state the person's name, address, and telephone number:

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

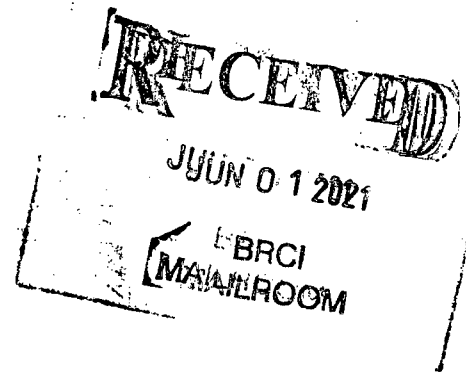
BECAUSE I AM INCARCERATED AND LEGALLY INDIGENT!

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

Executed on: May 3, 2021


(Signature)

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Bobby Joe Barton — PETITIONER
(Your Name)

VS.

Scott B. Lewis, Warden — RESPONDENT(S)

PROOF OF SERVICE

I, Bobby Joe Barton, do swear or declare that on this date, June 1, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of U.S., Rm #566 Dept. of Justice 950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001
Alan Wilson, A.G., Robert Dennis Building, Rm #519, 1000 Assembly St. S.E.
Supreme Ct. U.S., 1st First St., N.E., Washington, DC 20543

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

Executed on 1st day of June, 2021

* REFILED ON AUGUST 23, 2021

Bobby Joe Barton
(Signature)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

AFFIDAVIT OF TRUTH

I, BOBBY JOE BARTON, #163629, having been duly sworn, depose and say the following:

I BOBBY JOE BARTON, BEING DULY SWORN, DEPOSES AND SAYS:

#1.) I AM THE APPELLANT IN THIS CASE TO THE U.S. SUPREME COURT,
#2.) I AM INCARCERATED IN S.C. STATE PRISON UNDER A (25) YR. SENTENCE "AK"
#3.) AND THE STATEMENTS BELOW ARE TRUTHFUL TO THE BEST OF MY KNOWLEDGE:
a.) I WAS GRANTED TO PROCEED IN FORMA PAUPERIS IN SC CT. OF APPEALS,
b.) I WAS GRANTED TO PROCEED IN FORMA PAUPERIS IN P.C.R. COURT; AND
c.) I WAS GRANTED TO PROCEED IN FORMA PAUPERIS IN SC SUPREME COURT; AND
d.) I WAS GRANTED TO PROCEED IN FORMA PAUPERIS IN THE DIST. CT. OF SC.
e.) I WAS NOT GRANTED TO PROCEED IN FORMA PAUPERIS OR C.O.A. IN U.S. CT. OF APPEALS.
AND BRING ME (BOBBY JOE BARTON) TO THE UNITED STATES SUPREME CT.
AS THE APPELLANT BEING DENIED C.O.A. FROM THE UNITED STATES (4TH CIR.)
COURT OF APPEALS, RICHMOND, VA, AND THIS IS THE TRUTH TO THE BEST
OF MY KNOWLEDGE AND UNDERSTANDING OF THE LAW SO HELP ME
GOD!

THIS WAS WRITTEN BY ME ON THE 26th DAY OF MAY, 2021 AND
NOTARIZED ACCORDINGLY!

Bobby Joe Barton, #163629
Affiant's Signature

Bobby Joe Barton, #163629
Affiant's Name

Sworn to and subscribed before me this

26th Day of May, 2021

Notary Public

Y. Mesgett

Commission Expires

7-27-2024