

No. 21-5947

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

JORGE PETTER,

(Your Name)

— PETITIONER ,

VS.
UNITED STATES OF AMERICA, — RESPONDENT(S) .

Supreme Court, U.S.
FILED
OCT 04 2021
OFFICE OF THE CLERK

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):

U.S. DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA AND UNITED STATES

COURT OF APPEALS FOR THE FOURTH 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.

By: Jorge Petter 9/30/21

(Signature)

Jorge Petter, c/o: 26624083 (P.O. 21)
Federal Correctional Complex 1
Post Office Box 5000
Oakdale, Louisiana 71463

RECEIVED

OCT 12 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Jorge Petter, 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>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</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>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Gifts	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Alimony	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Child Support	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Other (specify): <u>N/A</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Total monthly income:	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</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
N/A	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00

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
N/A	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00

4. How much cash do you and your spouse have? \$ 0.00

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
N/A	N/A	\$ 0.00	\$ 0.00
N/A	N/A	\$ 0.00	\$ 0.00
N/A	N/A	\$ 0.00	\$ 0.00

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

Home NONE
Value \$0.00

Other real estate NONE
Value \$0.00

Motor Vehicle #1
Year, make & model N/A
Value \$0.00

Motor Vehicle #2
Year, make & model N/A
Value \$0.00

Other assets N/A
Description _____
Value \$0.00

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	\$ 0.00	\$ 0.00
N/A	\$ 0.00	\$ 0.00
N/A	\$ 0.00	\$ 0.00

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

Name	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
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)	\$ 0.00	\$ 0.00
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0.00	\$ 0.00
Home maintenance (repairs and upkeep)	\$ 0.00	\$ 0.00
Food	\$ 0.00	\$ 0.00
Clothing	\$ 0.00	\$ 0.00
Laundry and dry-cleaning	\$ 0.00	\$ 0.00
Medical and dental expenses	\$ 0.00	\$ 0.00

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0.00</u>	\$ <u>0.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0.00</u>	\$ <u>0.00</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ <u>0.00</u>
Life	\$ <u>0.00</u>	\$ <u>0.00</u>
Health	\$ <u>0.00</u>	\$ <u>0.00</u>
Motor Vehicle	\$ <u>0.00</u>	\$ <u>0.00</u>
Other: <u>NONE</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Installment payments		
Motor Vehicle	\$ <u>0.00</u>	\$ <u>0.00</u>
Credit card(s)	\$ <u>0.00</u>	\$ <u>0.00</u>
Department store(s)	\$ <u>0.00</u>	\$ <u>0.00</u>
Other: <u>NONE</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Alimony, maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>0.00</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
Other (specify): <u>NONE</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Total monthly expenses:	\$ <u>0.00</u>	\$ <u>0.00</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? \$0.00

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? \$0.00

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

NONE

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

I AM INCARCERATED AND INDIGENT

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

Executed on: Sept. 30th, 2021

By:

Jorge Petter

(Signature)

Jorge Petter, c/o: 26624083 (Pro se)
Federal Correctional Complex-1
Post Office Box 5000
Oakdale, Louisiana 71463

Inmate Statement



Inmate Reg #: 26624083 Current Institution: Oakdale FCC
 Inmate Name: PETTER, JORGE Housing Unit: OAK-P-B
 Report Date: 09/13/2021 Living Quarters: P08-457L
 Report Time: 7:01:55 AM

<u>Alpha</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
OAX	9/9/2021 7:46:49 AM	15			Sales	(\$58.75)		\$116.87
OAX	9/7/2021 10:06:53 AM	33321250			Western Union	\$70.00		\$175.62
OAX	9/6/2021 2:07:18 PM	33321249			Western Union	\$50.00		\$105.62
OAX	8/31/2021 1:34:06 PM	388			Sales	(\$50.00)		\$55.62
OAX	8/31/2021 9:59:33 AM	181			Sales	\$0.00		\$105.62
OAX	8/24/2021 3:14:57 PM	120			Sales	(\$145.10)		\$105.62
OAX	8/14/2021 2:06:56 PM	33321226			Western Union	\$100.00		\$250.72
OAX	8/10/2021 7:10:13 PM	TL0810			TRUL Withdrawal	(\$2.00)		\$150.72
OAX	8/2/2021 9:07:16 PM	33321214			Western Union	\$90.00		\$152.72
OAX	7/27/2021 2:23:13 PM	WJV0093			Photo Copies	(\$21.90)		\$62.72
OAX	7/26/2021 12:37:07 PM	180			Sales	(\$64.70)		\$84.62
OAX	7/19/2021 12:31:18 PM	117			Sales	(\$57.70)		\$149.32
OAX	7/17/2021 7:50:00 PM	TL0717			TRUL Withdrawal	(\$2.00)		\$207.02
OAX	7/12/2021 2:24:41 PM	203			Sales	(\$74.45)		\$209.02
OAX	7/8/2021 9:10:48 AM	WICP0721			Inmate Co-pay	(\$2.00)		\$283.47
OAX	7/3/2021 9:06:30 PM	33321184			Western Union	\$200.00		\$285.47
OAX	7/3/2021 12:22:24 PM	TL0703			TRUL Withdrawal	(\$2.00)		\$85.47
OAX	6/28/2021 9:44:08 AM	76			Sales	(\$58.00)		\$87.47
OAX	6/21/2021 8:56:35 AM	77			Sales	(\$3.65)		\$145.47
OAX	6/21/2021 8:55:28 AM	76			Sales	(\$41.25)		\$149.12
OAX	6/20/2021 6:07:16 AM	33321171			Western Union	\$50.00		\$190.37
OAX	6/18/2021 12:07:01 PM	33321169			Western Union	\$100.00		\$140.37
OAX	6/14/2021 9:30:13 AM	81			Sales	(\$89.70)		\$40.37
OAX	6/7/2021 2:46:19 PM	130			Sales	(\$30.50)		\$130.07
OAX	6/7/2021 11:34:53 AM	TL0607			TRUL Withdrawal	(\$2.00)		\$160.57
OAX	6/6/2021 3:07:14 PM	33321157			Western Union	\$70.00		\$162.57
OAX	6/3/2021 2:20:40 PM	142			Sales	(\$81.40)		\$92.57
OAX	6/1/2021 6:08:30 AM	33321152			Western Union	\$30.00		\$173.97
OAX	5/22/2021 8:05:58 AM	33321142			Western Union	\$100.00		\$143.97
OAX	5/10/2021 10:22:40 AM	153			Sales	(\$88.05)		\$43.97
OAX	5/4/2021 9:26:11 AM	WICP0521			Inmate Co-pay	(\$2.00)		\$132.02
OAX	4/26/2021 3:11:49 PM	141			Sales	(\$83.70)		\$134.02
OAX	4/25/2021 6:06:59 PM	33321115			Western Union	\$100.00		\$217.72
OAX	4/23/2021 12:18:35 PM	TL0423			TRUL Withdrawal	(\$2.00)		\$117.72
OAX	4/20/2021 7:07:08 PM	33321110			Western Union	\$50.00		\$119.72
OAX	4/5/2021 10:09:53 AM	105			Sales	(\$83.45)		\$69.72
OAX	3/29/2021 7:07:10 PM	33321088			Western Union	\$100.00		\$153.17
OAX	3/8/2021 10:03:15 AM	120			Sales	(\$64.00)		\$53.17
OAX	3/2/2021 2:48:19 PM	TL0302			TRUL Withdrawal	(\$2.00)		\$117.17

OAX	3/1/2021 2:30:06 PM	165	Sales	(\$12.25)	\$119.17
OAX	3/1/2021 2:29:11 PM	164	Sales	(\$43.65)	\$131.42
OAX	3/1/2021 11:07:16 AM	33321060	Western Union	\$123.00	\$175.07
OAX	2/22/2021 2:31:15 PM	167	Sales	(\$92.45)	\$52.07
OAX	2/21/2021 7:03:57 PM	33321052	Western Union	\$40.00	\$144.52
OAX	2/16/2021 4:03:33 PM	33321047	Western Union	\$50.00	\$104.52
OAX	2/8/2021 10:37:59 AM	117	Sales	(\$91.65)	\$54.52
OAX	2/8/2021 6:07:12 AM	33321039	Western Union	\$70.00	\$146.17
OAX	2/1/2021 8:59:08 AM	1	Sales	(\$82.90)	\$76.17
OAX	1/31/2021 8:04:19 PM	33321031	Western Union	\$100.00	\$159.07
OAX	1/25/2021 1:24:50 PM	115	Sales	(\$100.10)	\$59.07

1 2

Total Transactions: 69

Totals: \$43.95 (\$40.00)

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>
OAX	\$76.87	\$0.00	\$0.00	\$0.00	\$40.00	\$0.00	\$0.00	\$116.87
Totals:	\$76.87	\$0.00	\$0.00	\$0.00	\$40.00	\$0.00	\$0.00	\$116.87

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>
\$1,110.00	\$1,046.30	\$126.39	\$250.72	\$146.69	N/A	N/A

Inmate Statement



Inmate Reg #: 28624083 Current Institution: Oakdale FCC
 Inmate Name: PETTER, JORGE Housing Unit: OAK-P-B
 Report Date: 09/13/2021 Living Quarters: P08-457L
 Report Time: 7:05:22 AM

<u>Alpha Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
OAX	1/22/2021 1:03:14	33321022			Western Union	\$50.00		\$159.17
	PM							
OAX	1/19/2021 1:28:07	TL0119			TRUL Withdrawal	(\$2.00)		\$109.17
	PM							
OAX	1/19/2021 12:33:01 PM	146			Sales	(\$28.90)		\$111.17
OAX	1/18/2021 10:03:21 AM	33321018			Western Union	\$100.00		\$140.07
OAX	12/10/2020 10:49:29 AM	65			Sales	(\$0.90)		\$40.07
OAX	12/3/2020 5:16:40 PM	TL1203			TRUL Withdrawal	(\$2.00)		\$40.97
OAX	12/2/2020 1:49:42 PM	107			Sales	(\$2.15)		\$42.97
OAX	11/23/2020 4:59:49 PM	280			Sales	(\$2.70)		\$45.12
OAX	11/19/2020 7:16:56 AM	9			Sales	(\$3.65)		\$47.82
OAX	11/9/2020 10:38:49 AM	64			Sales	(\$4.05)		\$51.47
OAX	11/4/2020 11:54:58 AM	383			BP-199 Refusal		(\$40.00)	-----
OAX	11/4/2020 11:53:57 AM	381			BP-199 Refusal - Released		\$20.00	-----
OAX	11/4/2020 10:43:48 AM	381			BP-199 Refusal		(\$20.00)	-----
OAX	11/3/2020 10:48:00 AM	94			Sales	(\$4.05)		\$55.52
OAX	10/27/2020 8:34:22 AM	6			Sales	(\$2.05)		\$59.57
OAX	10/14/2020 2:16:07 PM	90			Sales	(\$83.45)		\$61.62
OAX	10/13/2020 7:03:37 PM	33320287			Western Union	\$130.00		\$145.07
OAX	10/6/2020 12:22:01 PM	106			Sales	(\$55.85)		\$15.07
OAX	10/3/2020 9:27:19 PM	TL1003			TRUL Withdrawal	(\$2.00)		\$70.92

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Total Transactions: 69

Totals: \$43.95 (\$40.00)

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>
OAX	\$76.87	\$0.00	\$0.00	\$0.00	\$40.00	\$0.00	\$0.00	\$116.87
Totals:	\$76.87	\$0.00	\$0.00	\$0.00	\$40.00	\$0.00	\$0.00	\$116.87

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		

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JORGE PETTER,
— PETITIONER,
(Your Name)

VS.
UNITED STATES OF AMERICA,
— RESPONDENT(S).

PROOF OF SERVICE

I, Jorge Petter, do swear or declare that on this date,
September, 20 21, 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. "(With Appendices 001 through 093)"

The names and addresses of those served are as follows:

Solicitor General of the United States, Department of Justice at

950 Pennsylvania Avenue, Room 5616, Washington, DC 20530-0001

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

Executed on Sepetmber 30th, 20 21

By: Jorge Petter
Jorge Petter, Esq., 26624083 (Pro se)
(Signature)

CERTIFICATE OF FILING AND SERVICE

I, Jorge Petter, hereby certify that I have served a true and correct copy of the following:

" MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND PETITION FOR A WRIT OF CERTIORARI WITH APPENDICES "- " App. 001 Through 093 "

which is deemed filed at the time it was delivered to prison authorities for forwarding, ***Houston v. Lack, 487 U.S. 266 (1988)**, upon the (plaintiff/defendant) (petitioner/respondent) (appellant/appellee) and or its attorney(s) of record by placing same in a sealed first-class postage prepaid envelope addressed to:

Solicitor General of the United States
Department of Justice
950 Pennsylvania Avenue, Room 5616
Washington, DC 20530-0001

and deposited into this institution internal mail system located at FCI-1 Oakdale, Post Office Box 5000, Oakdale, Louisiana [71463], on this 30th th day of September, 2021

By: Jorge Petter

7019 2280 0000 0792 5462

Jorge Petter, c/o: 26624083 (Pro se)
Federal Correctional Complex-1
Post Office Box 5000
Oakdale, Louisiana 71463

*Pursuant to Fed.R.App.P25(a)(2)(c), "A paper filed by an inmate confined in an institution is timely filed if deposited in the institution's internal mail system on or before the last day for filing."