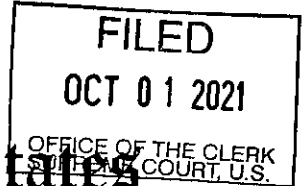


21-5964
No.

ORIGINAL

In The
Supreme Court of the United States



ROBERT L. KELLY,

Petitioner,

v.

GARRETT LANEY,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Mr. Kelly respectfully requests leave to file the enclosed Petition for Writ of Certiorari without prepayment of filing fees and costs and to proceed *in forma pauperis*. The Ninth Circuit Court of Appeals appointed Mr. Decker's counsel at government expense under the Criminal Justice Act.

Mr. Kelly attaches hereto a declaration in support of this motion.

Dated this 1st day of October, 2021.

Respectfully submitted,


Robert L. Kelly

No. _____

**In The
Supreme Court of the United States**

ROBERT L. KELLY,

Petitioner,

v.

GARRETT LANEY,

Respondent.

**DECLARATION IN SUPPORT OF PETITION
FOR WRIT OF CERTIORARI**

Mr. Kelly herby declares that the enclosed Petition for Writ of Certiorari was originally signed and timely deposited within the Oregon State Correctional Institution's internal mail system on this 1st day of October, 2021, with first class postage prepaid. Mail that is placed within the institution's internal system is not routinely processed until the next day, hence this 1st day of October, 2021, postmark on Mr. Kelly's original filing.

Mr. Kelly requests that this Court consider the original filing of the petition timely based on this declaration.

Dated this 1st day of October, 2021.

Respectfully submitted, _____


Robert L. Kelly

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

I, ROBERT L. KELLY 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	\$00	\$00	\$00	\$00
Self-employment	\$00	\$00	\$00	\$00
Income from real property (such as rental income)	\$00	\$00	\$00	\$00
Interest and dividends	\$00	\$00	\$00	\$00
Gifts	\$00	\$00	\$00	\$00
Alimony	\$00	\$00	\$00	\$00
Child Support	\$00	\$00	\$00	\$00
Retirement (such as social security, pensions, annuities, insurance)	\$00	\$00	\$00	\$00
Disability (such as social security, insurance payments)	\$00	\$00	\$00	\$00
Unemployment payments	\$00	\$00	\$00	\$00
Public-assistance (such as welfare)	\$00	\$00	\$00	\$00
Other (specify):	\$00	\$00	\$00	\$00
Total monthly income:	\$00	\$00	\$00	\$00

2. List your employment history for the past two years, most recent first. (Gross monthly pay 1s before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	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)	\$00	\$00
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	N/A
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$00	\$00
Home maintenance (repairs and upkeep)	\$00	\$00
Food	\$00	\$00
Clothing	\$00	\$00
Laundry and dry-cleaning	\$00	\$00
Medical and dental expenses	\$00	\$00
Transportation (not including motor vehicle payments)	\$00	\$00
Recreation, entertainment, newspapers, magazines, etc.	\$00	\$00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$00	\$00
Life	\$00	\$00
Health	\$00	\$00
Motor Vehicle	\$00	\$00
Other:	\$00	\$00
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$00	\$00
Installment payments		
Motor Vehicle	\$00	\$00
Credit card(s)	\$00	\$00
Department store(s)	\$00	\$00
Other:	\$00	\$00
Alimony, maintenance, and support paid to others	\$00	\$00
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$00	\$00
Other (specify):	\$00	\$00
Total monthly expenses:	\$00	\$00

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. N/A

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? N/A

If yes, state the attorney's name, address, and telephone number: N/A

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? N/A

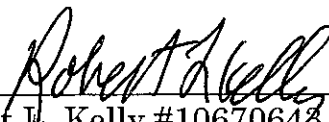
If yes, state the person's name, address, and telephone number: N/A

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

I am incarcerated, unemployed, and do not have any assets whatsoever.

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

DATED this 1st day of October, 2021.



Robert L. Kelly #10670643
3405 Deer Park Drive SE
Salem, OR 97310
Petitioner, pro se