

31-6184

ORIGINAL

IN THE

**SUPREME COURT OF THE UNITED STATES**

MARK BITZAN, PETITIONER

Supreme Court, U.S.  
FILED

NOV - 1 2021

OFFICE OF THE CLERK

VS.

PATTI WACHTENDORF, AND IOWA STATE PENITENTIARY,

RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO  
UNITED STATES COURT OF APPEALS FOR THE EIGITH CIRCUIT

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

Mark Bitzan 6290077  
Iowa State Penitentiary  
P.O. Box 316  
Fort Madison, IA 52627

COMES NOW, Mark Bitzan, asking leave to proceed *in forma pauperis* and file the attached Petition for Writ of Certiorari without prepayment of costs. Bitzan has previously been granted leave to proceed *in forma pauperis* in the following courts:

1. United States Court of Appeals for the Eighth Circuit;
2. United States District Court for the Northern District of Iowa;
3. Iowa District Court for Monona County;
4. Iowa Court of Appeals.

Bitzan *was* appointed counsel in all underlying courts and each appointment was made under the following provisions of law:

1. Eighth Circuit Court of Appeals, (Criminal Justice Act), (Exhibit I; Appx. Page 18);
2. United States District Court for the Northern District of Iowa, (18 U.S.C. §3006(a)(2)(b); and 28 U.S.C. §2254(h), (Exhibit K; Appx. Pages 47-48);
3. Iowa District Court for Monona County, (Iowa Code §814.11; Iowa Code §815.9), (Exhibits M, N, O; Appx. Pages 58-59, 61, 63-64);
4. Iowa Court of Appeals, (Iowa Code §814.11; Iowa Code §815.9), (Exhibit P; Appx. Pages 66-67).

Petitioner's affidavit and declaration in support is attached hereto.

#### **AFFIDAVIT OR DECLARATION**

#### **IN SUPPORT OF MOTION TO PROCEED *IN FORMA PAUPERIS***

I, Mark Bitzan, the Petitioner in the above-entitled case, state in support of this Motion to Proceed *In Forma Pauperis*, that because of my poverty, I'm unable to pay the costs of this case or give the security therefore, and believe I'm entitled to redress.

1. I declare that I'm not married and have no partner or spouse and the following estimate of money received in weekly, biweekly, quarterly, semiannual, or annual amounts during the past 12 months has been adjusted to show the monthly rate in gross amounts calculated 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>
Employment.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Self-employment.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Income from real property (such as rental income).....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Interest and dividends.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Gifts.....	<u>\$ 350.00</u>	<u>\$350.00</u>
Alimony.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Child Support.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Retirement (such as social security pensions, annuities, insurance).....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Disability (such as Social Security, insurance payments).....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Unemployment payments.....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Public-assistance (such as welfare).....	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Other: Economic Impact Payment.....	<u>\$ 120.00</u>	<u>\$ 0.00</u>
<b>Total Monthly Income</b> .....	<b><u>\$470.00</u></b>	<b><u>\$ 350.00</u></b>

2. 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>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

3. Not married/don't have a spouse: N/A

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

Money you have in bank accounts or financial institutions:

<b>Financial Institution</b>	<b>Type of Account</b>	<b>Amount you have</b>
<u>Iowa State Penitentiary</u>	<u>Prison Trust Account</u>	<u>\$140.24</u>

5. Assets and their values:

**Home:** Don't own, N/A

**Motor Vehicle #1:** Don't own, N/A

**Other Assets:** Don't own, N/A

**Other real estate:** Don't own, N/A

**Motor Vehicle #2:** Don't own, N/A

6. Person, business, or organization that owes you money:

<b>Person or organization owing you money</b>	<b>Amount owed to you</b>
<u>Nobody, N/A</u>	<u>N/A</u>

7. Persons who rely on you or your spouse for support:

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
<u>Nobody, N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate your average monthly expenses: (Petitioner Mark Bitzan isn't married, doesn't have a spouse or partner, and any payments made weekly, biweekly, quarterly, or annually are adjusted to show the monthly rate.)

Rent or home-mortgage payment (include lot rented for mobile home) ..... \$ 0.00

Are real estate taxes included? N/A

Is property insurance included? N/A

Utilities (electricity, heating fuel, Water, sewer, and telephone) ..... \$ 0.00

Home maintenance (repairs and upkeep) ..... \$ 0.00

Food ..... \$ 200.00

Clothing ..... \$ 25.00

Laundry and dry-cleaning ..... \$ 0.00

Medical and dental expenses ..... \$ 50.00

Transportation (not including motor vehicle payments) ..... \$ 0.00

Recreation, entertainment, newspapers, magazines, etc. ..... \$ 0.00

Insurance (not deducted from wages or included in mortgage payments) ..... \$ 0.00

    Homeowner's or renter's ..... \$ 0.00

    Life ..... \$ 0.00

    Health ..... \$ 0.00

    Motor vehicle ..... \$ 0.00

    Other ..... \$ 0.00

Taxes (not deducted from wages or included in mortgage payments) ..... \$ 0.00

Installment payments ..... \$ 0.00

    Motor vehicle ..... \$ 0.00

    Credit cards ..... \$ 0.00

Department stores.....	<u>\$ 0.00</u>
Other.....	<u>\$ 0.00</u>
Alimony, maintenance, and support paid to others.....	<u>\$ 0.00</u>
Regular expenses for operation of business, profession, or farm.....	<u>\$ 0.00</u>
Other (Specify).....	<u>\$ 0.00</u>
<b>Total monthly expenses.....</b>	<b><u>\$ 275.00</u></b>

9. Any major changes to your monthly income or expenses or in your assets or liabilities expected during the next 12 months? (YES - substantial decrease in support from family due to unemployment and poverty imposed by COVID.)
10. Have you paid – or will you be paying – an attorney any money for services in connection with this case? (NO)
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? (NO)
12. Provide any other information to help explain why you cannot pay the costs:  
(Petitioner Mark Bitzan owes his father Paul Bitzan and mother Cassandra Zent more than \$300,000.00, and owes his brother Shane Bitzan more than \$40,000.00 in relation to legal costs incurred in this case.)

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

Dated: October 31, 2021

Signed: Mark Bitzan

**Mark Bitzan 6290077**  
 Iowa State Penitentiary  
 P.O. Box 316  
 Fort Madison, IA 52627