

No. 21-637

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IN THE  
SUPREME COURT OF THE UNITED STATES

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William Lee, Superintendent of Eastern Correctional  
Facility, *Petitioner*,

v.

James Garlick, *Respondent*.

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Second Circuit

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**MOTION TO PROCEED IN FORMA PAUPERIS**

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Respondent James Garlick moves for leave to proceed in forma pauperis, and to file the enclosed Brief in Opposition.

On July 31, 2014, Respondent was granted, under New York County Law § 722, leave to so proceed in the Supreme Court of New York, Appellate Division, First Judicial Department, and the Center for Appellate Litigation was assigned to his appeal. The United States District Court for the Southern District of New York also granted poor-person relief in an order dated December 5, 2018. Both orders are attached.

RESPECTFULLY SUBMITTED, this 3rd day of January 2022,



Matthew Bova

*Counsel of Record for Respondent*

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 31, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

James D. Garlick,  
Defendant-Appellant.

M-1316  
Ind. No. 3681/11  
Case No. 61160C/11

-----X  
Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 1, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

James Garlick

(full name of the plaintiff or petitioner applying (each person must submit a separate application))

-against-

Christopher Miller, Superintendent of  
Great Meadow Correctional Facility

(full name(s) of the defendant(s)/respondent(s))

CV ( ) ( )

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

APPLICATION GRANTED  
SO ORDERED

*Henry Pitman*  
HENRY PITMAN  
UNITED STATES MAGISTRATE JUDGE  
12-5-18

APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS

I am a plaintiff/petitioner in this case and declare that I am unable to pay the costs of these proceedings and I believe that I am entitled to the relief requested in this action. In support of this application to proceed *in forma pauperis* (IFP) (without prepaying fees or costs), I declare that the responses below are true:

1. Are you incarcerated?  Yes  No (If "No," go to Question 2.)

I am being held at:

Great Meadows Correctional Facility

Do you receive any payment from this institution?  Yes  No

Monthly amount: \$25.00

If I am a prisoner, *see* 28 U.S.C. § 1915(h), I have attached to this document a "Prisoner Authorization" directing the facility where I am incarcerated to deduct the filing fee from my account in installments and to send to the Court certified copies of my account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b). I understand that this means that I will be required to pay the full filing fee.

2. Are you presently employed?  Yes  No

If "yes," my employer's name and address are:

Gross monthly pay or wages: N/A

If "no," what was your last date of employment? N/A

Gross monthly wages at the time: N/A

3. In addition to your income stated above (which you should not repeat here), have you or anyone else living at the same residence as you received more than \$200 in the past 12 months from any of the following sources? Check all that apply.

(a) Business, profession, or other self-employment

Yes

No

(b) Rent payments, interest, or dividends

Yes

No

- (c) Pension, annuity, or life insurance payments  Yes  No
- (d) Disability or worker's compensation payments  Yes  No
- (e) Gifts or inheritances  Yes  No
- (f) Any other public benefits (unemployment, social security, food stamps, veteran's, etc.)  Yes  No
- (g) Any other sources  Yes  No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

If you answered "No" to all of the questions above, explain how you are paying your expenses:

*State pay from programs*

- 4. How much money do you have in cash or in a checking, savings, or inmate account?  
*\$0.00*
- 5. Do you own any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value, including any item of value held in someone else's name? If so, describe the property and its approximate value:  
*NO*
- 6. Do you have any housing, transportation, utilities, or loan payments, or other regular monthly expenses? If so, describe and provide the amount of the monthly expense:  
*NO*
- 7. List all people who are dependent on you for support, your relationship with each person, and how much you contribute to their support (only provide initials for minors under 18):  
*NONE*
- 8. Do you have any debts or financial obligations not described above? If so, describe the amounts owed and to whom they are payable: *NONE*

Declaration: I declare under penalty of perjury that the above information is true. I understand that a false statement may result in a dismissal of my claims.

10/30/18  
Dated

*James Hankel*  
Signature

Gentlick James D  
Name (Last, First, MI)

13A5111  
Prison Identification # (if incarcerated)

GMCF 11739 state Rte. 22 P.O. 51 COMSTOCK, N.Y. 12821  
Address City State Zip Code

Telephone Number \_\_\_\_\_ E-mail Address (if available) \_\_\_\_\_

*OK in 10/30/18*