

21-6607

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

TERM 2021

ANDREW THOMAS BURNS, Sr.,

Petitioner.

v.

STATE OF OKLAHOMA,

Respondent.

Supreme Court, U.S.
FILED

DEC - 8 2021

OFFICE OF THE CLERK

PRO SE MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

ANDREW THOMAS BURNS, Sr., appearing Pro Se, and pursuant to Rules 12, 29, 34 & 39 of the Rules of the Supreme Court of the United States, seeks leave by this Court to proceed in forma pauperis for the following:

1. Petitioner is currently a prisoner in the custody of the Oklahoma Department of Corrections.
2. Petitioner was convicted of the offense of Murder in the First Degree and sentenced to Life without the possibility for parole in 1990, in a state court proceeding held in the district court for Tulsa County, State of Oklahoma, Case Number CF-1989-0069. A determination of indigence was entered and the Court appointed the Public Defenders Office for the County of Tulsa to represent petitioner.
3. Petitioner thereafter, sought review of this matter in State Court on several occasions in which the Court granted leave to proceed in forma pauperis.
4. Petitioner has also unsuccessfully sought review in the federal district court's for the Western and Northern District of Oklahoma.

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5. Petitioner sought authorization to file a second or successive 28 U.S.C. § 2254 habeas application, which was denied on January 27, 2020, which forms the basis of this action.

And for the reasons as stated herein, and pursuant to the Federal Rules of Appellate Procedure, Rule 24 (a)(3) Prior Approval, the Petitioner respectfully requests this Most Honorable Court to grant this Motion to Proceed In Forma Pauperis.

Respectfully Submitted,

Andrew T. Burns Sr.

ANDREW THOMAS BURNS, SR.

LAWTON CORRECTIONAL & REHAB. FACILITY

HOUSING UNIT 1-A-111

8607 S.E. FLOWERMOUND ROAD

LAWTON, OKLAHOMA 73501

PRO SE PETITIONER

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

I, Andrew Thomas Burns, Sr. 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, bi-weekly, 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>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Self-employment	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Interest and dividends	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Gifts	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Alimony	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Child Support	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>

Unemployment payments \$ 0 \$ 0 \$ 0 \$ 0

Public-assistance (such as welfare) \$ 0 \$ 0 \$ 0 \$ 0

Other (specify): N/A

\$ 0 \$ 0 \$ 0 \$ 0

Total monthly income: \$ 0 \$ 0 \$ 0 \$ 0

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

Financial Institution	Type of account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</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 0

Other real estate Value 0

Motor Vehicle #1
Year, make & model 0
Value 0

Motor Vehicle #2
Year, make & model 0
Value 0

Other assets
Description 0

Value 0

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
\$ _____
\$ _____

\$ 0
\$ _____
\$ _____

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

Name

Relationship

Age

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

\$ 0

Are real estate taxes included? Yes__ No__

Is property insurance included? Yes__ No__

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

\$ 0

\$ 0

Home maintenance (repairs
and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

Transportation (not including motor

vehicle payments)

\$ 0

\$ 0

Recreation, entertainment, newspapers,
magazines, etc.

\$ 0

\$ 0

Insurance (not deducted from wages or
included in mortgage payments)

Home owner's or renter's

\$ 0

\$ 0

Life

\$ 0

\$ 0

Health

\$ 0

\$ 0

Motor Vehicle

\$ 0

\$ 0

Other: none

\$ 0

\$ 0

Taxes (not deducted from wages or
included in mortgage payments)
specify: none

\$ 0

\$ 0

Installment payments

Motor Vehicle

\$ 0

\$ 0

Credit card(s)

\$ 0

\$ 0

Department store(s)

\$ 0

\$ 0

Other: none

\$ 0

\$ 0

Alimony, maintenance, and support paid
to others

\$ 0

\$ 0

Regular expenses for operation of business,
profession, or farm (attach detailed statement)

\$ 0

\$ 0

Other (specify): none

\$ 0

\$ 0

Total monthly expenses:

\$ 0

\$ 0

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 X 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? none

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

If yes, state the persons name, address, and telephone number:

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

I am an incarcerated inmate currently residing in a penal institution, I have no means of employment and rely on gifts from family.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to penalties for perjury under 28 U.S.C., § 1746.

Executed on: 12/8/21

Andrew J. Burton Sr.
(Signature)

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