

NO. 21-6647

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

KENNETH H. KERR III - PETITIONER

vs.

LORIE DAVIS; ET ALL - RESPONDENT

FILED
NOV 05 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without payment of cost and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

The United States Court of Appeals for the Fifth Circuit;
Cause Number 20-40255

The United States District Court for the Eastern District of Texas - Tyler Division; Civil Action Number 6:19-CV-198.

Petitioner's affidavit or declaration in support of this motion is attached hereto.



Kenneth H. Kerr III

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

I, Kenneth H. Kerr III, 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 cost of this case or to give security therefore; 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 sources | Average monthly amount durring the past 12 months | | Amount expected Next month | |
|--|--|----------------------|-------------------------------|----------------------|
| | You | Spouse | You | Spouse |
| Employment | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Self-employment | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Income from real property (Such as rental income) | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Interest and Dividends | \$0000.00 | \$ <u>n/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Gifts | \$ 50.00 | \$ <u>N/A</u> | \$ 50.00 | \$ <u>N/A</u> |
| Alimony | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Child Support | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>n/A</u> |
| Retirement (such as social SECURITY, PENSIONS, ANNUITIES, INSURANCE) | \$0000.00 | \$ <u>n/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Disability (such as social SECURITY, INSURANCE PAYMENTS) | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Unemployment payments | \$0000.00 | \$ <u>n/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Public-assistance (such as welfare) | \$0000.00 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Other-Specify: Stimulous checks | \$ 266.67 | \$ <u>N/A</u> | \$0000.00 | \$ <u>N/A</u> |
| Total Monthly Income: | \$ 316.67 | \$ <u>N/A</u> | \$ 50.00 | \$ <u>N/A</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 | Gross Monthly Pay |
|---------------------------------|--|--------------|-------------------|
| Tex. Dep.Cr. Jst Jst.-I.Dev. | 2661 FM 2054 Tennessee Colony, Present Texas 75884 | October 1993 | \$ 0000.00 |

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 | N/A |

Estranged

4. How much cash do you and your spouse have? \$ See attached trust fund
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Type of account (e.g., checking or savings) | Amount you have | Amount your spouse has |
|---|-----------------|------------------------|
| Asset Management Account Edward Jones | \$2500.00 | \$ N/A |

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

| | |
|--|---|
| <input type="checkbox"/> Home Value N/A | <input type="checkbox"/> Other real estate Value N/A |
| <input type="checkbox"/> Motor Vehicle #1 Year, make and model N/A | <input type="checkbox"/> Motor Vehicle #2 Year, make and model N/A |
| <input type="checkbox"/> Other assets Description None Value N/A | |

6. State every person, business, or organization owing you or your spouse money, and the amount owe.

| Person owing you or | Amount owed to you | Amount owed to your spouse |
|---------------------|--------------------|----------------------------|
| None | N/A | N/A |

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "JS" instead of John Smith).

| NAME | RELATIONSHIP | AGE |
|------|--------------|-----|
| None | 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 rental for mobile home) | \$ 0.00 | \$ 0.00 |
| Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Utilities (Electricity, heating fuel, WATER, SEWER, AND TELEPHONE) | \$ 0.00 | \$ 0.00 |
| Home Maintenance (repairs and upkeep) | \$ 0.00 | \$ 0.00 |
| Food | \$ 50.00 | \$ 0.00 |
| Clothing | \$ 0.00 | \$ 0.00 |
| Laundry and Dry-cleaning | \$ 0.00 | \$ 0.00 |
| Medical and Dental expenses | \$ 0.00 | \$ 0.00 |
| Transportation (not including motor vehicle Payments) | \$ 0.00 | \$ 0.00 |
| Recreation, entertainment, newspapers Magazines, etc. | \$ 0.00 | \$ 0.00 |
| Insurance (not deducted from wages or included in in mortgage payments) | \$ 0.00 | \$ 0.00 |
| Homeowner's or renter's | \$ 0.00 | \$ 0.00 |
| Life | \$ 0.00 | \$ 0.00 |
| Health | \$ 0.00 | \$ 0.00 |
| Motor Vehicle | \$ 0.00 | \$ 0.00 |
| Other: <u>N/A</u> | \$ 0.00 | \$ 0.00 |

Taxes (Not deducted from wages or included in mortgage payments)

(specify): None \$ 00.00 \$ 00.00

Installment payments

Motor Vehicle \$ 00.00 \$ 00.00

Credit Card(s) \$ 00.00 \$ 00.00

Department Store(s) \$ 00.00 \$ 00.00

Other: None \$ 00.00 \$ 00.00

Alimony, maintenance, and support to others \$ 00.00 \$ 00.00

Regular expenses for operation of business, profession, or farm (attach detail statement) \$ 00.00 \$ 00.00

Other (specify): None \$ 00.00 \$ 00.00

Total Monthly expenses: \$ 50.00 \$ 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.

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 typist) 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 person's name, address, and telephone number.

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

Simply put. I am incarcerated in a Texas Prison. I have been here since 1993 and will remain at least another four years. Texas is one of the State that do not pay money to their inmates. The \$50.00 I get every month simply covers highgein that is not provided by the prison system. The money

I now have in savings is because of the stimulus check and is intended to serve to buy clothing and necessities when I get out. After 32 1/2 years I do not expect to be able to get a job quickly after my release.

Especially since, as this case covers, I will have no knowledge of the tools needed to re-entergrate into a high-teck society.

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

Executed on this the 5th day of November, 2021.



Kenneth H. Kerr III