

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT RODRIGUEZ TREVIÑO, Petitioner,

v

**BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,**

Respondent

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
WITH DECLARATION IN SUPPORT, ATTACHMENT A**

Petitioner Robert Rodriguez Treviño asks leave to file the accompanying Petition for a Writ of Certiorari without prepayment of costs to proceed in forma pauperis. A copy of the Declaration in Support of Motion for Leave to Proceed in *Forma Pauperis* is attached as Attachment A.

As set forth in the Petition for Writ of Certiorari, Petitioner is and has been for over two decades, a prisoner in the Texas Department of Criminal Justice (TDCJ).

This case was actually commenced by Petitioner's sister, Gloria Treviño, who has the power of attorney for her brother.¹ It was filed the United States District Court,

¹ A copy of the power of attorney is found attached to the Declaration. It is also one of the attachments to the Motion to Proceed in forma pauperis under Rule 24, filed in District Court. That Motion itself is found as Exhibit 1 to this Motion.

Southern District of Texas, Galveston Division, proceeding in pauperis. From the commencement of the suit through its review by the Fifth Circuit Court of Appeals, Petitioner was housed in the Carole Young TDCJ medical unit located in Galveston County, Texas. Subsequent to the ruling of the Fifth Circuit denying Petitioners Request to be granted a Certificate of Appealability, Petitioner was transferred to the TDCJ's Montford Unit, a psychiatric unit located in Lubbock Texas. The undersigned has visited Mr. Treviño numerous times during the last decade, including a visit to the Montford Unit last month. The undersigned also has had many telephone conversations with him. Based upon the undersigned's observations of Mr. Treviño for several years and from information from a family members, including another sister who has had video calls with him while he has been in the Montford Unit, it is apparent that Mr. Treviño does have significant psychiatric issues including his continuing delusion that he is being represented by Barak Obama. In addition to his psychiatric issues, Mr. Treviño is basically totally physically disabled. He is unable to walk by himself, and is confined to a special medical wheelchair or his bed.

After having his Petition for a "Writ of Habeas Corpus rejected by the district court level, Petitioner filed the requisite Motion under Rule 24(a)(3) of the Federal Rules of Appellate Procedure to seek a Certificate of Appealability at the Fifth Circuit. This Motion is attached to this pleading as Exhibit 1. The motion presented evidence supporting the application to proceed in forma pauperis. The Rule 24(a)(3) motion was supported by a declaration of Petitioner's sister, Gloria Treviño, the sister who has the

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Page 2

power of attorney authorizing this suit, as well the necessary forms reflecting Petitioner's limited income and assets. The District Court entered an order on September 29, 2020, granting Petitioner's motion to proceed in forma pauperis on appeal. A copy of this order is attached to this pleading as Exhibit 2. There has been no change in Petitioner's financial circumstances since the entry of this order unless it is reflected in the Declaration, Attachment A..

The undersigned has taken on this case pro bono. There are insufficient funds to pay for the costs of this suite, especially the printing costs associated with filing the Petition for Writ of Certiorari.

Wherefore, Petitioner requests that his motion be granted and he allowed to proceed in this matter without having to pay fees and costs.

Respectfully submitted,

John E. Richards*
Texas State Bar No. 16848900
RICHARDS AND VALDEZ
6060 North Central Expressway
Suite 500
Dallas, Texas 75206
214-455-4690 (phone)
866-823-2719 (facsimile)
John.Richards@richardsvaldez.com
Counsel for Petitioner
Robert Rodriguez Treviño.

CERTIFICATE OF SERVICE

I certify that on January 13, 2012, the foregoing document was served, via the Court's CM/ECF Document Filing System, upon the following registered CM/ECF user without the Declaration.

Joseph P. Corcoran
Assistant Attorney General Supervising Attorney
Non-Capital Appeals Criminal Appeals Division
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Edward Marshall
Office of the Attorney General
Austin, TX

John E. Richards

ATTACHMENT A

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

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

Total monthly income: \$ _____ \$ _____ \$ _____

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
0000000000			\$
			\$
			\$

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
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ _____
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
<input type="checkbox"/> <input type="checkbox"/>		\$	\$
		\$	\$
		\$	\$
		\$	\$

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

☐ Home ☐☐☐☐
Value _____

☐ Other real estate ☐☐☐☐
Value _____

☐ Motor Vehicle #1 ☐☐☐☐
Year, make & model _____
Value _____

☐ Motor Vehicle #2 ☐☐☐☐
Year, make & model _____
Value _____

☐ Other assets ☐☐☐☐
Description _____
Value _____

ATTACHMENT A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Life	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Health	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Motor Vehicle	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Other: _____	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Installment payments		
Motor Vehicle	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Credit card(s)	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Department store(s)	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Other: _____	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Alimony, maintenance, and support paid to others	\$ <input type="text"/> <input type="text"/>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
Other (specify): _____	\$ <input type="text"/> <input type="text"/> <input type="text"/> d <input type="text"/> <input type="text"/> <input type="text"/> r <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> d *	\$ _____
Total monthly expenses:	\$ <input type="text"/>	\$ _____

[illegible]

ATTACHMENT A

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? _____

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? _____


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 costs of this case.

Robert has been in prison at the Texas Department of Criminal Justice system for over twenty years. I has his power of attorney (attached) and am familiar with his financial situation that is set forth above. Robert's only income is from the Veteran's Administration for 100% disability in the amount of \$152 a month. He has no property. For the last several years Robert has deteriorated mentally drastically. For example, among other things, he believes Barack Obama is his attorney who has received a \$500,000 settlement for is cases but the money was stolen by a Barack Obama impersonator. He has other delusions. He is currently housed at the TDCJ Montford Unit in Lubbock Texas which is a psychiatric unit. He also is quadraplegic and is confined either to his bed or a medical wheelchair.

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

Executed on: January 5, 2022


(Signature)

Gloria Trevino, sister of Petitioner
Robert Rodriquez Trevino

ATTACHMENT A

ORIGINAL FILED

FILED
CINDY POLLEY
ELLIS COUNTY CLERK

STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Robert Rodriguez Trevino, appoint Gloria Trevino Turner, residing at 12526 Olympia Drive, Houston, Harris County, Texas 77077, as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

To grant all of the following powers, initial the line in front of power designated by the letter "N" and ignore the lines in front of the other powers.

To grant one or more, but fewer than all, of the following powers, initial the line in front of each power you are granting.

To withhold a power, do not initial the line in front of it. you may, but need not, cross out each power withheld.

INITIAL

- _____ (A) real property transactions;
- _____ (B) tangible personal property transactions;
- _____ (C) stock and bond transactions;
- _____ (D) commodity and option transactions;
- _____ (E) banking and other financial institutions transactions;
- _____ (F) business operating transactions;
- _____ (G) insurance and annuity transactions;
- _____ (H) estate, trust, and other beneficiary transactions;
- _____ (I) claims and litigation;
- _____ (J) personal and family maintenance;
- _____ (K) benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- _____ (L) retirement plan transactions;
- _____ (M) tax matters;
- R.R.T. (N) All of the powers listed in (A) through (M). You need not initial any other lines if you initial line (N).

Special Instructions: On the following lines you may give special instructions limiting or extending the powers granted to your agent.

ATTACHMENT A

Unless you direct otherwise above, this Power of Attorney is effective immediately and will continue until it is revoked.

Choose one of the following alternatives by crossing out the alternative not chosen:

- (A) This power of attorney is not affected by my subsequent disability or incapacity.
- (B) This power of attorney becomes effective upon my disability or incapacity.

You should choose alternative (A) if this power of attorney is to become effective on the date it is executed.

If neither (A) nor (B) is crossed out, it will be assumed that you chose alternative (A).

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

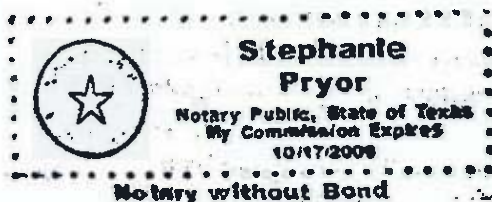
If any agent named by me dies, becomes legally disabled, resigns or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: None.

Signed this 31 day of July, 2008.

Robert R. Trevino
Robert Rodriguez Trevino

STATE OF TEXAS
COUNTY OF Fort Bend

This document was acknowledged before me on the 31 day of July, 2008, by Robert Rodriguez Trevino.



Stephante Pryor
Notary Public, State of Texas

The attorney in fact or agent, by accepting or acting under the appointment, assumes the fiduciary and other legal responsibilities of an agent.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
GALVESTON DIVISION**

TREVIÑO RODRIGUEZ TREVIÑO
TDCJ # 00729766,
Petitioner

v.

LORIE DAVIS, et. al.
Respondent

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§

No. 3-19-cv- 324

RULE 24(a)(4) MOTION TO PROCEED IN PAUPERIS IN APPEAL

Pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure, Petitioner, now Appellant in the Fifth Circuit Court of Appeals in *Trevino v. Lumpkin*, CA 20-20589, files this Motion requesting that this Court enter an Order that he be allowed to proceed in pauperis before the Fifth Circuit Court of Appeals.

A. Declaration and Application in Support of In Pauperis for Petitioner

Pursuant to the Rule, Appellant is attaching a Declaration of Gloria Trevino in support of Rule 23(a)(3), Attachment A. Attached to the Declaration is the original Application To Proceed In District Court Without Prepaying Fees Or Costs filed in this court on September 30, 2019. The original Application shows in the detail prescribed by Form 4 of the Appendix of Forms Petitioners inability to pay or to give security for fees and costs. The new Declaration, Attachment A, shows the few changes to the original Application as of the date of this filing and established he is still entitled to proceed in pauperis. In addition to the Gloria Trevino Declaration, Petitioner has also requested a copy of the last 6 Months of Trust fund activity from the Texas Department of Criminal Justice/Commissary & Trust Fund, a copy of which request is attached as Attachment B.

B. Entitlement to Redress

As required by Rule 23(a)(3), Petitioner states he is entitled to redress. As set forth in the Original Petition for Writ of Habeas Corpus filed in this court on August 19, 2019. As set forth in the Petition, Petitioner asserts he is entitled to Medical Release Intensive Supervision (MRIS) under §508.146 of the Texas Government Code and the TDCJ Policy Manual A-08.6, that he is being detained by the Texas Department of Criminal Justice in violation of his right to release under MRIS.

C. Issues Appellant Intends To Present On Appeal.

Petitioner will present the following issues on appeal:

1. Trevino asserts and has provided evidence that he is entitled to appeal the Final Judgment of this court on August 5, 2020, that reasonable minds may differ on his right based upon the evidence and case law and thus that this Court's denial of appealability should be overturned and his appeal allowed.
2. Treviño asserts that, with respect to his individual situation, he has a liberty interest in the application of Texas Government Code §508.146, Texas Department of Criminal Justice (TDCJ) Policy Manual A-086, and other regulations and policy manuals of TDCJ with respect to MRIS and thus the Court was incorrect in deciding he did not.
3. Trevino asserts he has a cognizable liberty interest in seeing that the Texas standards for MRIS have been met and at least the minimum procedures adequate for due-process protection of that interest are those set forth in the case of *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 7 (1979) and thus that the Court was incorrect in deciding he did not.
4. A proposed order is being filed.

Wherefore, Petitioner requests that this Court grant this motion.

Respectfully Submitted

/s/ John E. Richards

John E. Richards
State Bar No. 16848900
RICHARDS AND VALDEZ
6060 North Central Expressway
Suite 500
Dallas, TX 75206
ATTORNEYS FOR PETITIONER
Treviño Rodriguez Treviño

CERTIFICATE OF CONFERENCE

The undersigned certifies that he has conferred with Joseph Corcoran, Counsel for Respondent concerning this Motion and Mr. Corcoran has stated that Respondent has no position on this Motion.

/s/ John E. Richards

John E. Richards

NOTICE OF ELECTRONIC FILING

I, John E. Richards, attorney for Plaintiff, certify that I have electronically submitted for filing a true and correct copy of the foregoing pursuant to the Electronic Case Files System of the Southern District of Texas, on September 24, 2020

/s/ John E. Richards

John E. Richards

CERTIFICATE OF SERVICE

The Undersigned certifies that he served a true and correct copy of the foregoing Notice via email to Joseph P. Corcoran, Assistant Attorney General Supervising Attorney for Non-Capital Appeals Criminal Appeals Division, Capitol Station, P. O. Box 12548 Austin, Texas 78711, attorney for Respondent via email at Joseph.Corcoran@oag.Texas.gov on September 24, 2020.

/s/ John E. Richards

John E. Richards

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
GALVESTON DIVISION**

TREVIÑO RODRIGUEZ TREVIÑO
TDCJ # 00729766,
Petitioner

v.

LORIE DAVIS, et. al.
Respondent

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No. 3-19-cv- 324

**DECLARATION OF GLORIA TREVINO IN SUPPORT OF Rule 24(a)(3)
MOTION**

I, Gloria Treviño, am the sister of Robert Rodriquez Treviño, a prisoner in the Texas Department of Criminal Justice, No. 729766. I also have power of attorney from Robert to act on his behalf which is attached. I also have knowledge of Robert's financial affairs. I declare that, to the best of my knowledge, Robert Rodriquez Treviño is unable to pay the costs of these proceedings and that he is entitled to the relief requested. In support of this application, I answer the following questions under penalty of perjury:

1. On September 30, 2019, I filed an Application To Proceed In District Court Without Prepaying Fees Or Costs (the "Application") a true and correct copy of which is attached hereto as Exhibit 1.

2. I have reviewed the Application and declare that there have been no changes to any of the matters contained in the Application except the following:

- a. The Covid 19 virus has affected the Texas Department of Criminal Justice (TDCJ), including the Carole Young Medical Unit ("Carole Young") in Dickinson Texas where Respondent is housed. Robert contracted Covid 19. He was sent to the UTMB Sealy Hospital to deal with the covid and deal with an intestinal blockage. After his stay there he was returned to Carol Young. Because of Covid


19, most TDCJ facilities were locked down, including Carol Young and John Sealy.

I have not been able to see Robert during these times, as had my attorney, John Richards. As such, I am not aware of how much money, if any, Robert has in his prisoner's account.

- b. I have requested another statement certified by the appropriate institutional officer of that institution showing all receipts, expenditures, and balances during the last six months for any institutional account in Robert Rodriguez Treviño's name to be mailed to the District Clerk of this District. He has not been incarcerated in another institution during the last six months.
- c. I had sent a money order for \$100.00 to the Texas Department of Criminal Justice for Robert; however on September 20, 2020 I received the letter, attached hereto as Exhibit 2, stating that the money order was being returned.

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

Date: September 23, 2020


Applicant's signature
Gloria Treviño as next Friend
of Robert Rodriguez Treviño

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
GALVESTON DIVISION**

ROBERT RODRIGUEZ TREVIÑO
Petitioner

V.

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE/CAROL
YOUNG MEDICAL FACILITY and
THE UNIVERSITY OF TEXAS
MEDICAL BRANCH IN GALVESTON
TEXAS**

**APPLICATION TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING FEES OR COSTS (Short Form)**

I, Gloria Treviño, am the sister of Robert Rodriguez Treviño, a prisoner in the Texas Department of Criminal Justice, No. 729766. I also have power of attorney from Robert to act on his behalf which is attached. I also have knowledge of Robert's financial affairs. I declare that Robert Rodriguez Treviño is unable to pay the costs of these proceedings and that he is entitled to the relief requested. In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated:*

Robert Rodriguez Treviño is being held at the Carol S. Young Medical Facility, RMF - EP-0-9-A, which is located at 5509 Attwater Ave., Dickinson, TX 77539. Robert Rodriguez Treviño is unemployed and has been in prison since 1995.

I have requested a statement certified by the appropriate institutional officer of that institution showing all receipts, expenditures, and balances during the last six months for any institutional account in Robert Rodriguez Treviño's name to be mailed to the District Clerk of this District. He has not been incarcerated in another institution during the last six months.

2. *If not incarcerated.*

Not applicable because Robert Rodriguez Treviño is not employed.

3. *Other Income.* In the past 12 months, Robert Rodriguez Trevino has received income from the following sources (check all that apply):

- | | |
|---|-----|
| (a) Business, profession, or other self- employment | No |
| (b) Rent payments, interest, or dividends | No |
| (c) Pension, annuity, or life insurance payments | No |
| (d) Disability, or worker's compensation payments | Yes |
| (e) Gifts, or inheritances | No |
| (f) Any other sources | 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.

Robert Trevino's only source of income is his disability from the Department of Veteran Affairs in the amount of \$ 140.05 per month.

4. Amount of money that Robert Rodriguez Trevino has in cash or in a checking or savings account:
\$0

5. Any automobile, real estate, stock, bond, security, trust, jewelry, artwork, or other financial instrument or thing of value that Robert Rodriguez Trevino owns, including any item of value held in someone else's name (*describe the property and its approximate value*):

None

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

None

7. Names (of if under 18, initials only) of all persons who are dependent on Robert Rodriguez for support, his relationship with each person, and how much he contributes to their support.

None

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*).

None

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

Date: August 18, 2019



Applicant's signature

Gloria Treviño as next Friend
of Robert Rodriguez Treviño

ORIGINAL FILED

FILED
CINDY POLLEY
ELLIS COUNTY CLERK

STATUTORY DURABLE POWER OF ATTORNEY

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I, Robert Rodriguez Trevino, appoint Gloria Trevino Turner, residing at 12526 Olympia Drive, Houston, Harris County, Texas 77077, as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

To grant all of the following powers, initial the line in front of power designated by the letter "N" and ignore the lines in front of the other powers.

To grant one or more, but fewer than all, of the following powers, initial the line in front of each power you are granting.

To withhold a power, do not initial the line in front of it. you may, but need not, cross out each power withheld.

INITIAL

- _____ (A) real property transactions;
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- _____ (D) commodity and option transactions;
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- _____ (F) business operating transactions;
- _____ (G) insurance and annuity transactions;
- _____ (H) estate, trust, and other beneficiary transactions;
- _____ (I) claims and litigation;
- _____ (J) personal and family maintenance;
- _____ (K) benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- _____ (L) retirement plan transactions;
- _____ (M) tax matters;
- R.R.T. (N) All of the powers listed in (A) through (M). You need not initial any other lines if you initial line (N).

Special Instructions: On the following lines you may give special instructions limiting or extending the powers granted to your agent.

Unless you direct otherwise above, this Power of Attorney is effective immediately and will continue until it is revoked.

Choose one of the following alternatives by crossing out the alternative not chosen:

- (A) This power of attorney is not affected by my subsequent disability or incapacity.
(B) This power of attorney becomes effective upon my disability or incapacity.

You should choose alternative (A) if this power of attorney is to become effective on the date it is executed.

If neither (A) nor (B) is crossed out, it will be assumed that you chose alternative (A).

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

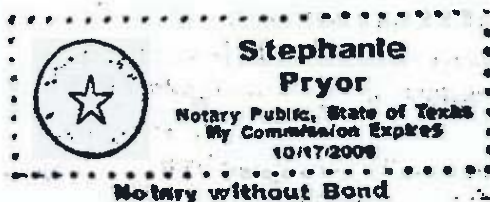
If any agent named by me dies, becomes legally disabled, resigns or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: None.

Signed this 31 day of July, 2008.

Robert R. Trevino
Robert Rodriguez Trevino

STATE OF TEXAS
COUNTY OF Fort Bend

This document was acknowledged before me on the 31 day of July, 2008, by Robert Rodriguez Trevino.



Stephante Pryor
Notary Public, State of Texas

The attorney in fact or agent, by accepting or acting under the appointment, assumes the fiduciary and other legal responsibilities of an agent.

AO ☐ A ☐ Rev. ☐ ☐ ☐ Order to Proceed ☐ it ☐ Out Prep ☐ in ☐ Fees or Costs

UNITED STATES DISTRICT COURT

for the

ROBERT RODRIGUEZ TREVIÑO

Petitioner

v.

Civil Action No.

BRIAN COLLIER, EXECUTIVE DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE, ET AL

Respondents

ORDER TO PROCEED WITHOUT PREPAYING FEES OR COSTS

IT IS ORDERED: The prisoner's application under 28 U.S.C. § 1915a to proceed without prepaying fees or costs is

☐ Granted

The clerk is ordered to file the complaint and issue summons. The United States Marshal is ordered to serve the summons at the appropriate address and this order on the defendant. The United States Marshal shall advance the costs of service. Prisoner plaintiffs are responsible for repayment of the fine.

☐ Granted Conditionally

The clerk is ordered to file the complaint. Upon receipt of the completed summons and [USM-100](#) for or for each defendant, the clerk shall issue summons. If the completed summons and USM-100s are not submitted as directed, the complaint shall be dismissed. The United States Marshal is ordered to serve the completed summons at the appropriate address and this order on the defendant. The United States Marshal shall advance the costs of service. Prisoner plaintiffs are responsible for repayment of the fine.

☐ Denied

This application is denied for these reasons

Date _____

Judge's signature

Printed name and title

EXHIBIT 1



Texas Department of Criminal Justice

Bryan Collier
Executive Director

September 17, 2020

GLORIA TURNER
12526 OLYMPIA DR.
HOUSTON, TX 77077

Dear Sir or Madam,

We have received your Money Order in the amount of \$100.00 for Offender TREVINO, ROBERTO (TDCJ # 00729766). In order for you to deposit funds into an Offenders Trust Fund account you must be on either the Offender's Approved Visitation - or - Telephone List.

You are not an approved depositor; therefore we are returning your money order.

For more information on how to become an Approved Visitor or Approved Caller, please review the instructions below.

Offender Visitation List

Offender is responsible for adding friends and family to their Visitation List. Please contact the units Classification and Records department for more information.

Offender Telephone System

You must register your telephone number with the Offender Telephone System. You may register via the internet by going to texasprisonphone.com or by calling (866) 806-7804.

Sincerely,

TDCJ/Commissary & Trust Fund
PO Box 60
Huntsville, TX 77342

Received
Sept. 20, 2020
J.T.

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

Commissary & Trust Fund
P O Box 629, Huntsville, TX 77342-0629
www.tdcj.state.tx.us

EXHIBIT 1

DOCUMENT CONTAINS COLORED BACKGROUND ON WHITE PAPER, "VOID" FEATURE, SIMULATED WATERMARK (REVERSE SIDE), MICRO-PRINT BORDER.

PLEASE POST THIS PAYMENT FOR OUR MUTUAL CUSTOMER

Account: ROBERT R TREVINO729766 **\$100.00**

56-382/412

GLORIA TURNER
12526 OLYMPIA DR
HOUSTON, TX 77077-5828

Please Direct Any Questions To
(800) 956-4442
WELLS FARGO BANK, NA
DEPT#34033, PO BOX 39000
San Francisco, CA 94139
9647482323 0030178182

0030178182
September 02, 2020

1184 0631 EPV 07 0904 6/6 37301557.3 00042373

Pay **ONE HUNDRED AND 00/100** **100-** **DOLLARS**

TO THE ORDER OF INMATE TRUST FUND
PO BOX 60
HUNTSVILLE, TX 77342-0060

\$ ***100.00**

VOID 90 DAYS AFTER ISSUE

K. W.
AUTHORIZED SIGNATURE

1184 0631 EPV 07 0904 6/6 37301557.3 00042373

⑈0030178182⑈ ⑆041203824⑆ 9647482323⑈

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INMATE TRUST FUND
P. O. BOX 60
HUNTSVILLE, TEXAS 77342-0060

PLEASE USE A BUSINESS SIZE ENVELOPE
DO NOT FOLD, STAPLE OR TAPE
Print CAPITAL letters and numbers block
style inside square without touching sides

Use Black or Dark Blue Ink.
- PRINT all requested information.
- Money Order MUST be payable to:
INMATE TRUST FUND.
For Inmate: name & number
- Leave unused blocks BLANK.

—SEE OTHER SIDE—

00729766 1 5 8 9 A B C D

Trevino Roberto R

100 00 0030178182

Turner Gloria K

12526 Olympia Dr. Houston, TX 77077-5828

RICHARDS & VALDEZ
ATTORNEYS AND COUNSELORS

JOHN E. RICHARDS
Rated AV Preeminent™ by Martindale-Hubbell
john.richards@richardsvaldez.com

6060 NORTH CENTRAL EXPRESSWAY
SUITE 500
DALLAS, TEXAS 75206
Telephone (214) 455-4690
Telecopier (866) 823-2719

September 24, 2020

via Priority Mail

TDCJ/Commissary & Trust Fund
PO Box 60
Hunstville, TX 77324

Re: Request for Six Month Activity on Inmate Trust Fund
Robert Rodriguez Treviño, Number 729766
Robert Rodriguez Treviño v. Lorie Davis, 3:14-cv-324

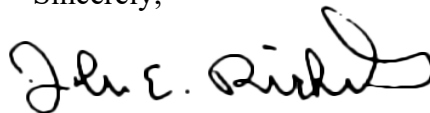
Dear Sirs;

I represent Robert Treviño. I have previously appeared as Mr. Treviño's lawyer with the TDCJ. I also represent Mr. Treviño was in a lawsuit in United States Federal District Court in Galveston as case no 3:14-cv-324, Robert Rodriguez Treviño v. Lorie Davis. This matter is being appealed to the United States Court of Appeal, Fifth Circuit in Trevino v. Lumpkin, CA 20-20589.

We have previously filed an Application to Proceed Without Prepaying Fees of Costs in the case. We are now in need of updating the status of his Inmate Trust Fund for the last 6 months of Mr. Treviño's Inmate Trust Fund. The information can be mailed to the David J. Bradley, Clerk of the Court, United States District Court, Southern District of Texas, Galveston Division, 601 Rosenberg Street, Room 411, Galveston, Texas 77550.

Also, please fax a copy of the information to me at 866-823-2719. Call me if you have any questions or need any additional information.

Sincerely,



John E. Richards

cc: David Bradley
Joseph Corcoran

ATTACHMENT B

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
GALVESTON DIVISION**

TREVIÑO RODRIGUEZ TREVIÑO
TDCJ # 00729766,
Petitioner

v.

LORIE DAVIS, et. al.
Respondent

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No. 3-19-cv- 324

ORDER GRANTED PETITIONER’S RULE 24(a)(4) MOTION

Pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure, Petitioner has filed a Motion to Proceed in Pauperis in his appeal of this Court’s Final Judgment dismissing Petitioner’s Petition for a Writ of Habeas Corpus. The judgment was entered on August 5, 2020. Petitioner’s appeal is now pending at Fifth Circuit Court of Appeals in *Trevino v. Lumpkin*, CA 20-20589.

The Motion is granted.

Signed on _____

Jeffery V. Brown
United States District Judge.

ENTERED

September 29, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**ROBERT RODRIGUEZ TREVINO,
TDCJ #00729766

Petitioner,

VS.

BOBBY LUMPKIN,¹

Respondent.

§
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§
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§
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§
§


CIVIL ACTION NO. 3:19-cv-324

ORDER

On August 5, 2020, the court dismissed the habeas petition filed by Robert Rodriguez Trevino with prejudice (Dkt. 16). In that same order, the court denied a certificate of appealability (*id.*).

Trevino has moved to proceed *in forma pauperis* on appeal (Dkt. 22). Because the motion and supporting documentation indicate that Trevino is unable to pay the appellate docketing fee, it is **ORDERED** that the motion to proceed on appeal *in forma pauperis* (Dkt. 22) is **GRANTED**.

Signed on Galveston Island this 29th day of September, 2020.


JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE

¹ The previously named respondent in this action was Lorie Davis. In August 2020, Bobby Lumpkin succeeded Davis as Director of the Texas Department of Criminal Justice – Correctional Institutions Division. Under Rule 25(d) of the Federal Rules of Civil Procedure, Lumpkin is automatically substituted as a party.