

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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MARK ALLEN BANES,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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

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MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Defendant, MARK ALLEN BANES, by and through his attorney, F. Montgomery Brown, pursuant to Rule 13 of the Federal Rules of Procedure, respectfully applies to this Court to appoint his counsel, F. Montgomery Brown, through the Criminal Justice Act, to represent him in the Supreme Court of the United States, and for leave to proceed *in forma pauperis* in his Petition for Writ of Certiorari and in furtherance and support of his motion hereby states the following:

1. Mr. Banes was sentenced at the District Court Level on the above-entitled matter on January 8, 2021 and his appeal to the Eighth Circuit Court of Appeals was denied on November 19, 2021.
2. On December 21, 2021, the Eight Circuit denied Mr. Banes' Petition for Rehearing or Rehearing En Banc.
3. Mr. Banes has completed a financial affidavit (attached hereto as Exhibit A), evidencing that he is indigent and unable to afford private counsel.
3. Mr. Banes does not have the financial resources to pay for representation in the Writ of Certiorari in this matter and requests that his present counsel, F. Montgomery Brown, be appointed to represent him through the Criminal Justice Act in this process.
5. Mr. Banes requests leave to proceed *in forma pauperis* in his Writ of Certiorari in this matter.

WHEREFORE, Defendant, MARK ALLEN BANES, respectfully requests the Court appoint his counsel, F. Montgomery Brown, to represent him through the Criminal Justice Act, and grant this motion for leave to proceed *in forma pauperis* in this matter.

Respectfully submitted,



F. Montgomery Brown AT0001209  
CJA Appointed Counsel  
F.M. Brown Law Firm, P.L.L.C.  
1001 Office Park Road, Suite 108  
West Des Moines, Iowa 50265  
Telephone: (515) 225-0101  
Facsimile: (515) 225-3737  
Email: [hskrfan@fmbrownlaw.com](mailto:hskrfan@fmbrownlaw.com)  
Attorney for Petitioner

Original Filed.

IN THE SUPREME COURT OF THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that on this 15th Day of February, 2022, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

Copies to:

Office of the Solicitor General  
950 Pennsylvania Ave., NW,  
Washington, D.C. 20530-0001

Mark Allen Banes 09609-030  
FCI Pekin PO Box 5000  
Pekin, IL 61555

Richard D. Westphal  
United States Attorney  
Southern District of Iowa  
110 E. Court Avenue #286  
Des Moines, IA 50309

CJA 23  
(Rev. 11/11)

## FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☒ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)  
IN THE CASE OF

U.S. v. Baner

FOR  
Western District of Oklahoma  
AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)  
Mark Allen Baner

- 1 ☐ Defendant - Adult  
 2 ☐ Defendant - Juvenile  
 3 ☐ Appellant  
 4 ☐ Probation Violator  
 5 ☐ Supervised Release Violator  
 6 ☐ Habeas Petitioner  
 7 ☐ 2255 Petitioner  
 8 ☐ Material Witness  
 9 ☒ Other (Specify) WOR Southern Iowa

DOCKET NUMBERS

Magistrate Judge

M-19-621-BMJ

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable &amp; check box(es))

- ☒ Felony  
☐ Misdemeanor

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed		
		Name and address of employer: <u>Jeffery Lube</u>		
		IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment? <u>10/2019</u> How much did you earn per month? \$ <u>1300</u>	
		If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
OTHER INCOME		IF YES, how much does your spouse earn per month? \$ <u>N/A</u>	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____	
		Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
		RECEIVED	SOURCES	
		IF YES, give the amount received and identify the sources		
CASH		Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____		
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
		IF YES, give value and description for each	VALUE	DESCRIPTION
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	Total No. of Dependents <u>2</u>	
		List persons you actually support and your relationship to them <u>Son &amp; daughter 2 w/ mother</u>		
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT	
		MONTHLY PAYMENT		

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

SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

11-22-19

Date