

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

IN THE  
**Supreme Court of the United States**

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RYAN ANTONIO MATTHEWS,  
PETITIONER,

v.

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

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Pursuant to Supreme Court Rule 39, the Petitioner, Ryan Antonio Matthews, through his attorney, Bryan W.L. Garris, requests that this Court grant him leave to proceed *in forma pauperis*. In support of this Motion, the Petitioner would respectfully show:

I.

Petitioner has not previously sought leave to proceed *in forma pauperis* in any other court during prior proceedings related to this federal civil action. However, Petitioner was found indigent, and had court-appointed counsel in his original state-level trial proceedings and on direct appeal, as related to the criminal case giving rise to this action. A copy of those orders appointing counsel are attached to this motion.

Petitioner is not able to afford the costs associated with filing his Petition for Writ of Certiorari and requests that this Court grant him leave to file the Petition for Writ of Certiorari without prepayment of fees or costs, and proceed *in forma pauperis*.

I declare under penalty of perjury under the laws of the United States of America, the foregoing is true and correct.

Respectfully submitted,



Bryan W.L. Garris  
Texas Bar No. 24079945  
300 Main Street, Suite 300  
Houston, Texas 77002  
Tel: 713-655-9000  
Fax: 713-655-1812  
[Bryan@txdefense.net](mailto:Bryan@txdefense.net)  
ATTORNEY FOR PETITIONER

#### CERTIFICATE OF MAILING

I hereby certify that, on the 25<sup>st</sup> day of January, 2022, this pleading was served on the Court and opposing counsel via the United States Postal Service.

  
Bryan W.L. Garris

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

I, Dawn Matthews, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Inmate Trust Fund Payment from Parents</u>	\$ <u>100</u>	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>0</u>
<b>Total monthly income:</b>	<b>\$ <u>100</u></b>	<b>\$ <u>N/A</u></b>	<b>\$ <u>100</u></b>	<b>\$ <u>0</u></b>

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 - None</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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>Inmate Trust Fund Acct.</u>	\$ <u>0</u>	\$ <u>N/A</u>
	\$	\$
	\$	\$

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

Home N/A  
Value \_\_\_\_\_

Other real estate N/A  
Value \_\_\_\_\_

Motor Vehicle #1 N/A  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Motor Vehicle #2 N/A  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Other assets N/A  
Description \_\_\_\_\_  
Value \_\_\_\_\_

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
<u>N/A - None</u>	\$ <u>N/A - None</u>	\$ <u>N/A</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
<u>N/A - None</u>	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ <u>0</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>Approx. \$ 80</u>	\$ <u>N/A</u>
Clothing	\$ <u>Approx. \$ 20</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u> Approx. 100	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	<b>\$ <u>100</u></b>	<b>\$ <u>N/A</u></b>

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? \$10,000 - I have paid no money, but my parents have paid \$10,000 for this Federal lawsuit.

If yes, state the attorney's name, address, and telephone number:

Bryan C. Curtis, 300 Main St. Suite 300 Houston, TX 77001, 832.722.8915

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.

I'm currently incarcerated and indigent. I've had court appointed counsel at my trial and my appeal. The TX court found that I was in forma pauperis.

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

Executed on: January 20, 2011

R. M. Mays

(Signature)

Case 3:19-cv-00192 Document 16-9 Filed on 12/13/19 in TXSD Page 16 of 385  
**TEXAS FAIR DEFENSE ACT ROTATIONAL APPOINTMENT SYSTEM  
FOR BRAZORIA COUNTY, TEXAS**

*JOTCE  
200028*  
Denise Damian, Court Administrator  
111 E. Locust, Room 309  
Angleton, TX 77515  
979-864-1263 Phone  
979-864-1893 Fax  
denised@brazoria-county.com

Iris Huerta, Indigent Defense Coordinator  
111 E. Locust, Room 309  
Angleton, TX 77515  
979-864-1683 Phone  
979-864-1893 Fax  
irish@brazoria-county.com

**NOTICE OF APPOINTMENT AND CONFIRMATION**

**DATE ATTORNEY APPOINTED: 06/04/14**

**ATTORNEY INFORMATION:**

<b>Name:</b> STICKLER, TOM	<b>Phone:</b> (281) 331-5288
<b>Address:</b> 235 W SEALY ALVIN, TX 77511	<b>Fax:</b> (281) 331-9346

*John R. Bush*  
2014 AUG - 5 AM 10: 47  
DISTRICT CLERK  
BRAZORIA COUNTY, TEXAS

In accordance with the Local Rules of Administration implementing the Texas Fair Defense Act for Brazoria County, Texas ("BCTFDA"), the defendant has been appointed the attorney named above.

The appointed attorney is required to provide the Court with written confirmation that the attorney made reasonable efforts to contact the defendant by the end of the first working day after the date of the appointment and that the attorney personally interviewed the defendant no later than fifteen (15) days after Notice of Appointment. The confirmation must be filed with the Verification Officer no later than three (3) days before my first court appearance for this case. If you have any questions, you may contact the Court Administrator or the Verification Officer.

**HEARING INFORMATION**

DATE	TIME	TYPE
08/27/2014	09:00am	PRE TRIAL
11/18/2014	09:00am	ANNOUNCEMENT HEARING
12/01/2014	09:00am	TRIAL

**DEFENDANT INFORMATION:**

<b>Name:</b> MATTHEWS, RYAN ANTONIO	<b>Cause No:</b> 73841
<b>Address:</b> 3211 LEE CIRCLE PEARLAND, TX 77581	<b>Court:</b> 239TH DISTRICT COURT
<b>Phone:</b> 713-817-6205	
<b>Case Information:</b> CAPITAL MURDER; FX	
<b>Defendant is in jail:</b> YES	<b>Refiled:</b> TRUE
<b>Docket Control Order Attached:</b> NO	

**ACKNOWLEDGMENT:**

I made reasonable efforts to contact defendant before the end of the first business day.  
 I interviewed the defendant no later than fifteen (15) days after date of my appointment.

Attorney Signature

Date

000016

14441

**TEXAS FAIR DEFENSE ACT ROTATIONAL APPOINTMENT SYSTEM  
FOR BRAZORIA COUNTY, TEXAS**

Denise Damian, Court Administrator  
111 E. Locust, Room 309  
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irish@brazoria-county.com

**NOTICE OF APPOINTMENT AND CONFIRMATION**

**DATE ATTORNEY APPOINTED: 06/04/14**

**ATTORNEY INFORMATION:**

Name: STICKLER, TOM	Phone: (281) 331-5288
Address: 235 W SEALY ALVIN, TX 77511	Fax: (281) 331-9346

In accordance with the Local Rules of Administration implementing the Texas Fair Defense Act for Brazoria County, Texas ("BCTFDA"), the defendant has been appointed the attorney named above.

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**HEARING INFORMATION**

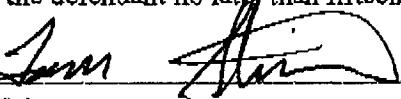
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**ACKNOWLEDGMENT:**

I made reasonable efforts to contact defendant before the end of the first business day.  
 I interviewed the defendant no later than fifteen (15) days after date of my appointment.

  
Attorney Signature

Date

8-5-14

13410

000023

FILED FOR RECORD  
2014 AUG -7 AM 10:54  
BRAZORIA COUNTY DISTRICT CLERK, TEXAS  
P. D. BROWN, CLERK

Cause No. 73841

The State of Texas

V.

Ryan Antonio Matthews

In the 239th District Court

Of

Brazoria County, Texas

at 1107 o'clock  
APR 29 2015  
Clerk of District Court, Brazoria Co., Texas  
Brazoria Co., Texas  
DEPUTY  
R. M.

Pauper's Oath for Appeal

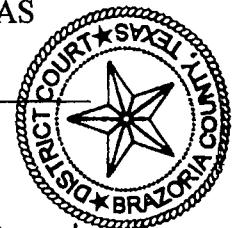
Now comes Ryan Antonio Matthews, defendant in the above styled and numbered cause, being duly sworn, states that he is indigent and has no money to hire an attorney to represent him on an appeal in the above mentioned cause; and that he has no money to pay for a Transcript and Statement of Facts for appeal.

Wherefore Defendant prays that he be permitted to appeal in forma pauperis.

Ryan Matthews  
Defendant

Sworn to and subscribed before me by the defendant on this the 29th day of April, 2015.

RHONDA BARCHAK  
DISTRICT CLERK  
BRAZORIA COUNTY, TEXAS  
By Helen Hall  
Helen Hall, Deputy



Order Appointing Attorney on Appeal

On this 29 day of April, A.D., 2015, came on to be heard the Pauper's Oath of the Defendant that she did not have sufficient funds to pay for a record on appeal, and the Court having heard evidence and being of the opinion that said affidavit is true;

It is therefore, ORDERED, ADJUDGED and DECREED that Kyle Jevrett be appointed to represent said defendant on appeal, and that the Court Reporter and Clerk prepare the necessary record for appeal without cost to the Defendant.

Kyle Jevrett  
Judge Presiding