

No. 21-7535

Supreme Court, U.S.

FILED

MAR 15 2022

OFFICE OF THE CLERK

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

IN THE SUPREME COURT OF THE UNITED STATES

Antonio Alejandro Gutierrez,  
*Plaintiff-Appellant*

v.

Steve Shelton; et al,  
*Defendant-Appellee*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Plaintiff asks the Court leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner had previously in 2014 been granted leave to proceed *in forma pauperis* in the United States District Court for the District of Oregon. In 2021 when he attempted to reopen this case to address an issue pertaining to the case the court withdrew the *in forma pauperis* status. Upon appeal to the Ninth Circuit Court of Appeals, the court denied *in forma pauperis* status.

(See included Notarized Declaration on next page)

ORIGINAL

RECEIVED  
MAR 21 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
2022 MAR 14 2022

I, Antonio Alejandro Gutierrez, as required by Supreme Court Rule 29.1, do swear and declare on this date, 14 of March, 2022 under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

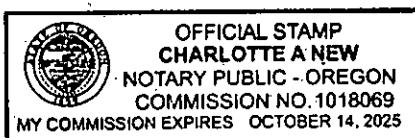
Executed on the 14 day of March, 2022.

State of Oregon  
County of Malheur

SUBSCRIBED AND SWORN TO before me this 14<sup>th</sup> day of March 2022.

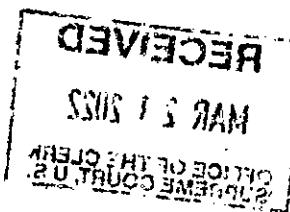
Charlotte A New  
Notary Public - State of Oregon

My commission expires: Oct 14 2025



Antonio A. Gutierrez

Antonio Alejandro Gutierrez  
Pro Se Plaintiff  
#5448026  
Snake River Correctional Institution  
777 Stanton Blvd.  
Ontario, OR 97914



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

I, Antonio A. Gutierrez, 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	\$ 50.00	\$ N/A	\$ 50.00	\$ N/A
Self-employment	\$ 0	\$ "	\$ 0	\$ "
Income from real property (such as rental income)	\$ 0	\$ "	\$ 0	\$ "
Interest and dividends	\$ .05	\$ "	\$ .05	\$ "
Gifts	\$ 0	\$ "	\$ 0	\$ "
Alimony	\$ 0	\$ "	\$ 0	\$ "
Child Support	\$ 0	\$ "	\$ 0	\$ "
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ "	\$ 0	\$ "
Disability (such as social security, insurance payments)	\$ 0	\$ "	\$ 0	\$ "
Unemployment payments	\$ 0	\$ "	\$ 0	\$ "
Public-assistance (such as welfare)	\$ 0	\$ "	\$ 0	\$ "
Other (specify): _____	\$ 0	\$ "	\$ 0	\$ "
Total monthly income:	\$ 50.05	\$ "	\$ 50.05	\$ "

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

IN THE  
SUPREME COURT OF THE UNITED STATES

— PETITIONER

(Your Name)

VS.

— RESPONDENT(S)

PROOF OF SERVICE

I, \_\_\_\_\_, do swear or declare that on this date,  
\_\_\_\_\_, 20\_\_\_\_\_, as required by Supreme Court Rule 29 I have  
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding  
or that party's counsel, and on every other person required to be served, by depositing  
an envelope containing the above documents in the United States mail properly addressed  
to each of them and with first-class postage prepaid, or by delivery to a third-party  
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Executed on \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_

(Signature)

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>SRCI</u>	<u>Ontario, OR</u>	<u>3/1/20 To Present</u>	<u>\$ 50.00</u>
			<u>\$</u>
			<u>\$</u>
			<u>\$</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>\$</u>
			<u>\$</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ 30.00

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>Oregon Department of Corrections</u>	<u>Trust Acc.</u>	<u>\$ 30.00</u>	<u>\$ N/A</u>
		<u>\$</u>	<u>\$</u>
		<u>\$</u>	<u>\$</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 NONE

Other real estate

Value NONE

Motor Vehicle #1

Year, make & model NONE

Value NONE

Motor Vehicle #2

Year, make & model NONE

Value NONE

Other assets

Description NONE

Value NONE

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>NONE</u>	\$ <u>Ø</u>	\$ <u>N/A</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
<u>NONE</u>	<u>N/A</u>	<u>N/A</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>Ø</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>10.00</u>	\$ <u>"</u>
Home maintenance (repairs and upkeep)	\$ <u>Ø</u>	\$ <u>"</u>
Food	\$ <u>25.00</u>	\$ <u>"</u>
Clothing	\$ <u>Ø</u>	\$ <u>"</u>
Laundry and dry-cleaning	\$ <u>Ø</u>	\$ <u>"</u>
Medical and dental expenses	\$ <u>5.00</u>	\$ <u>"</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>11</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>11</u>
Life	\$ <u>0</u>	\$ <u>11</u>
Health	\$ <u>0</u>	\$ <u>11</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>11</u>
Other: _____	\$ <u>0</u>	\$ <u>11</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>11</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>11</u>
Credit card(s)	\$ <u>0</u>	\$ <u>11</u>
Department store(s)	\$ <u>0</u>	\$ <u>11</u>
Other: _____	\$ <u>0</u>	\$ <u>11</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>11</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>11</u>
Other (specify): <u>Legal Costs</u>	\$ <u>10.00</u>	\$ <u>11</u>
Total monthly expenses:	\$ <u>50.00</u>	\$ <u>N/A</u>

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.

*I am a Prisoner with very Limited fixed income.*

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

Executed on: March 14, 2022

*Antonio A. Gutierrez*  
(Signature)