

No. **21-7535**

Application No. _____

Supreme Court, U.S.
FILED

MAR 15 2022

OFFICE OF THE CLERK

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)

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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.

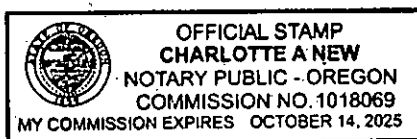
State of Oregon

County of Malheur

SUBSCRIBED AND SWORN TO before me this 14th 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

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

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

(Your Name) — PETITIONER

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> |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

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> | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

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> |
| _____ | _____ | \$ _____ | \$ _____ |
| _____ | _____ | \$ _____ | \$ _____ |

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>0</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>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>10.00</u> | \$ <u>"</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ <u>"</u> |
| Food | \$ <u>25.00</u> | \$ <u>"</u> |
| Clothing | \$ <u>0</u> | \$ <u>"</u> |
| Laundry and dry-cleaning | \$ <u>0</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>"</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>0</u> | \$ <u>"</u> |
| Life | \$ <u>0</u> | \$ <u>"</u> |
| Health | \$ <u>0</u> | \$ <u>"</u> |
| Motor Vehicle | \$ <u>0</u> | \$ <u>"</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>"</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>0</u> | \$ <u>"</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>0</u> | \$ <u>"</u> |
| Credit card(s) | \$ <u>0</u> | \$ <u>"</u> |
| Department store(s) | \$ <u>0</u> | \$ <u>"</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>"</u> |
| Alimony, maintenance, and support paid to others | \$ <u>0</u> | \$ <u>"</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>0</u> | \$ <u>"</u> |
| Other (specify): <u>Legal Costs</u> | \$ <u>10.00</u> | \$ <u>"</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)