

21-7607

~NO. _____

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IN THE SUPREME COURT OF THE UNITED STATES

DEVUNAIRE D. SIMS - PETITIONER,
vs.

STATE OF MICHIGAN - RESPONDENT.

On Petition for Writ of Certiorari to the
Michigan Supreme Court

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
ON PETITION FOR WRIT OF CERTIORARI**

Petitioner, DeVunaire D. Sims, respectfully asks this Honorable Court, pursuant to *Supreme Court Rule 39(1)*, for leave to proceed *in forma pauperis* so that he may file the accompanying Petition for Writ of Certiorari with this Court.

Petitioner has been found by the state trial court in the County of Berrien, the Michigan Court of Appeals and the Michigan Supreme Court to be indigent for purposes of state appellate proceedings. Petitioner is currently incarcerated in a state prison and is not receiving any income. (See Attached Affidavit and Account Statement).

Petitioner swears, with his signature below, that the foregoing is true and accurate pursuant to 28 U.S.C. § 1746.

Executed on: 4-12-22

DeVunaire D. Sims
DeVunaire D. Sims #954340

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

I, DeVunaire D. Sims, 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 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>900.00</u>	\$ <u>0</u>	\$ <u>100.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>900.00</u>	\$ <u>0</u>	\$ <u>100.00</u>	\$ <u>0</u>

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
None	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

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
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ 0 / 0
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
Prison	Prisoner Account	\$ <u>3,00</u>	\$ <u>N/A</u>
		\$ 0	\$ 0
		\$ 0	\$ 0

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

Home
Value 0.

Other real estate
Value 0.

Motor Vehicle #1
Year, make & model _____

Motor Vehicle #2
Year, make & model _____

Value 0.

Value 0.

Other assets
Description NONE

Value 0.

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
None	\$ 0	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

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

Name	Relationship	Age
N/A		
N/A		
N/A		

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)	\$ 0	\$ 0
Are real estate taxes included? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no		
Is property insurance included? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 0	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0

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

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

N/A

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? N/A

If yes, state the person's name, address, and telephone number: N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am a Prisoner within the Michigan Department of Corrections and I have no prison job or any assets that can be liquidated to pay the costs. In the entire sense of the word, I am a poor person.

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

Executed on: 4-1-22

DeVunaire D. Sims
DeVunaire D. Sims #954340
Petitioner in propria persona
Marquette Branch Prison
1960 U.S. Highway 41 South
Marquette, Michigan 49855