

21-7652
No.

IN THE
Supreme Court of the United States

Supreme Court, U.S.
FILED

APR 12 2022

OFFICE OF THE CLERK

Petitioner,

DAMIAN SCOTT OLVERA,

v.

UNITED STATES OF AMERICA,

Respondent,

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eighth Circuit

MOTION for Leave to Proceed
In Forma Pauperis

The petitioner asks leave to file the attached petition for a Writ of Certiorari without prepayment of costs and to proceed in forma pauperis.

The Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): United States District Court for the District of North Dakota (Eastern Division)

Petitioner's affidavit or declaration in support of this motion is attached hereto.

/s/ Damian Scott Olvera
Damian Scott Olvera, pro se
Register No. 16233-059
F.C.C. Yazoo City-Low
P.O. Box 5000
Yazoo City, MS 39194-5000

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

I, Damian Scott Olvera, 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	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Self-employment	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Income from real property (such as rental income)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Interest and dividends	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Gifts	\$ 176.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Child Support	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Disability (such as social security, insurance payments)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Unemployment payments	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Public-assistance (such as welfare)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Other (specify):	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Total monthly income:	\$ 176.00	\$ N/A	\$ 0.00	\$ N/A

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</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>			\$ _____

4. How much cash do you and your spouse have? \$ 0.00

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>Paypal/Wells Fargo</u>	<u>checking</u>	<u>\$ 75.00</u>	<u>\$ N/A</u>
<u>Institutional Account</u>	<u>Commissary</u>	<u>\$ 127.83</u>	<u>\$ N/A</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. (N/A)

Home

Value _____

Other real estate

Value _____

Motor Vehicle #1

Year, make & model _____

Value _____

Motor Vehicle #2

Year, make & model _____

Value _____

Other assets

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</u>	\$ _____	\$ _____
<u>N/A</u>	\$ _____	\$ _____
<u>N/A</u>	\$ _____	\$ _____

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

Name	Relationship	Age
<u>N/A</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)	\$ 0.00	\$ _____
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)	\$ 0.00	\$ _____
Home maintenance (repairs and upkeep)	\$ 0.00	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ 0.00	\$ _____
Laundry and dry-cleaning	\$ 0.00	\$ _____
Medical and dental expenses	\$ 0.00	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ _____
Life	\$ 0.00	\$ _____
Health	\$ 0.00	\$ _____
Motor Vehicle	\$ 0.00	\$ _____
Other: _____	\$ 0.00	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0.00	\$ _____
Installment payments		
Motor Vehicle	\$ 0.00	\$ _____
Credit card(s)	\$ 0.00	\$ _____
Department store(s)	\$ 0.00	\$ _____
Other: _____	\$ 0.00	\$ _____
Alimony, maintenance, and support paid to others	\$ 0.00	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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.

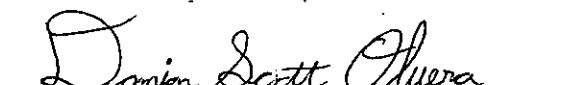
I am a prisoner at a BOP correctional institution and a ward of the federal government. I have no source of income. Any monetary funds I receive on my inmate account are from various friends and relatives. Any finances I have in my outside banking account is to help me get settled upon my release. I also owe \$4,203.56 in child support to the state of North Dakota. I have never had at least \$300.00 in my possession which is the fee for this filing. For these reasons I cannot pay the costs of this case.

I also sell my Inmate Commissary Account spending limit where someone deposits funds on my account and I go shopping for them, I get an average of \$20.00 out of the deal every two-weeks, this is what accounts for the bulk of my Inmate Account Deposits(Gifts)(See Attachment- Inmate Account Statement)

Also, (See Attachment- Child Support Financial Ledger, Outstanding Debts)

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

Executed on: Monday, April 11th, 2022


(Signature)

Inmate Statement



Inmate Reg #: 16233059
 Inmate Name: OLVERA, DAMIAN
 Report Date: 04/06/2022
 Report Time: 1:49:05 PM

Current Institution: Yazoo City FCI
 Housing Unit: YAZ-B-C
 Living Quarters: B10-024U

<u>Alpha Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
YAZ	4/6/2022 10:54:34 AM	TL0406			TRUL Withdrawal	(\$2.00)		\$127.83
YAZ	4/5/2022 7:09:53 AM	3			Sales	(\$141.15)		\$129.83
YAZ	4/2/2022 1:15:09 PM	TL0402			TRUL Withdrawal	(\$2.00)		\$270.98
YAZ	3/29/2022 3:13:18 PM	TL0329			TRUL Withdrawal	(\$2.00)		\$272.98
YAZ	3/28/2022 9:12:53 AM	33322087			Western Union	\$100.00		\$274.98
YAZ	3/25/2022 6:52:38 AM	TL0325			TRUL Withdrawal	(\$2.00)		\$174.98
YAZ	3/7/2022 7:19:26 AM	10			Sales	(\$2.35)		\$176.98
YAZ	3/7/2022 7:13:53 AM	8			Sales	(\$153.55)		\$179.33
YAZ	3/7/2022 7:07:48 AM	33322066			Western Union	\$100.00		\$332.88
YAZ	3/4/2022 6:08:33 AM	33322063			Western Union	\$150.00		\$232.88
YAZ	3/2/2022 2:41:03 PM	TL0302			TRUL Withdrawal	(\$2.00)		\$82.88
YAZ	2/22/2022 7:52:04 AM	TL0222			TRUL Withdrawal	(\$2.00)		\$84.88
YAZ	2/22/2022 6:59:55 AM	6			Sales	(\$145.90)		\$86.88
YAZ	2/21/2022 6:08:43 PM	33322052			Western Union	\$150.00		\$232.78
YAZ	2/12/2022 8:05:26 PM	TL0212			TRUL Withdrawal	(\$2.00)		\$82.78
YAZ	1/31/2022 10:02:38 AM	5			Sales	(\$47.05)		\$84.78
YAZ	1/20/2022 11:50:17 AM	69			Sales	(\$59.75)		\$131.83
YAZ	1/18/2022 8:48:13 PM	TL0118			TRUL Withdrawal	(\$2.00)		\$191.58
YAZ	1/14/2022 7:22:31 PM	TL0114			TRUL Withdrawal	(\$2.00)		\$193.58
YAZ	1/14/2022 6:06:55 AM	33322014			Western Union	\$100.00		\$195.58
YAZ	1/3/2022 12:23:29 PM	18			Sales	(\$43.20)		\$95.58
YAZ	12/20/2021 6:51:43 AM	TL1220			TRUL Withdrawal	(\$2.00)		\$138.78
YAZ	12/14/2021 9:11:50 AM	53			Sales	(\$5.95)		\$140.78
YAZ	12/14/2021 9:10:20 AM	52			Sales	(\$2.85)		\$146.73
YAZ	12/14/2021 9:07:56 AM	51			Sales	(\$147.80)		\$149.58
YAZ	12/10/2021 6:07:15 AM	33321344			Western Union	\$200.00		\$297.38
YAZ	12/8/2021 7:33:46 PM	TL1208			TRUL Withdrawal	(\$2.00)		\$97.38
YAZ	11/30/2021 6:54:12 AM	7			Sales	(\$142.90)		\$99.38
YAZ	11/29/2021 9:06:41 AM	33321333			Western Union	\$100.00		\$242.28
YAZ	11/26/2021 6:06:55 AM	33321330			Western Union	\$50.00		\$142.28
YAZ	11/24/2021 1:06:58 PM	33321328			Western Union	\$50.00		\$92.28
YAZ	11/24/2021 8:27:19 AM	TL1124			TRUL Withdrawal	(\$2.00)		\$42.28
YAZ	11/24/2021 7:03:57 AM	TL1124			TRUL Withdrawal	(\$2.00)		\$44.28
YAZ	11/22/2021 8:50:50 AM	21			Sales	(\$9.15)		\$46.28
YAZ	11/22/2021 8:31:39 AM	20			Sales	\$0.00		\$55.43
YAZ	11/18/2021 5:02:33 AM	70146601			Lockbox - CD	\$10.23		\$55.43
YAZ	11/14/2021 8:06:55 PM	33421318			Money Gram	\$15.00		\$45.20
YAZ	11/14/2021 6:06:44 PM	33421318			Money Gram	\$30.00		\$30.20
YAZ	11/8/2021 11:26:44 AM	30			Sales	(\$1.48)		\$20.20

Attachment A
(Inmate Account Statement)

Total Transactions: 39

Totals: \$126.15 \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
YAZ	\$127.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$127.83
Totals:	\$127.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$127.83

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$1,055.23	\$929.08	\$107.64	\$332.88	\$201.49	N/A	N/A

03/08/2022

FARGO REGIONAL CHILD SUPPORT UNIT
 4950 13TH AVE S STE 22
 FARGO ND 58103-7268

ES9-545-AA
 PAGE 1

FINANCIAL LEDGER FOR 10/01/1998 THROUGH 03/08/2022

ENFORCING FILE NO: 09-2016DM456

CASE NO: 0000639374-01

AR NAME: GUTIERREZ, AMANDA N
 AP NAME: OLVERA, DAMIAN S

UNDISTRIBUTED PYMT: NO

***** OBLIGATIONS *****

CHILD SUPPORT: DUE: MONTHLY PER FAMILY 238.00 ON: 10TH
 TYPE:

***** TRANSACTIONS *****

DATE	TYPE	AMOUNT	BALANCE
	PREVIOUS BALANCE		0.00
08/11/2016	BALANCE ADJ	1,666.00	1,666.00
09/10/2016	DUE	238.00	1,904.00
10/10/2016	DUE	238.00	2,142.00
11/10/2016	DUE	238.00	2,380.00
11/15/2016	INTEREST DUE	16.18	2,396.18
12/10/2016	DUE	238.00	2,634.18
12/15/2016	INTEREST DUE	12.05	2,646.23
01/10/2017	DUE	238.00	2,884.23
01/17/2017	INTEREST DUE	14.69	2,898.92
02/10/2017	DUE	238.00	3,136.92
02/15/2017	INTEREST DUE	14.17	3,151.09
03/10/2017	DUE	238.00	3,389.09
03/15/2017	INTEREST DUE	14.89	3,403.98
04/10/2017	DUE	238.00	3,641.98
04/17/2017	INTEREST DUE	18.91	3,660.89
05/10/2017	DUE	238.00	3,898.89
05/15/2017	INTEREST DUE	17.27	3,916.16
06/10/2017	DUE	238.00	4,154.16
06/15/2017	INTEREST DUE	20.32	4,174.48
07/10/2017	DUE	238.00	4,412.48
07/17/2017	INTEREST DUE	22.45	4,434.93
08/10/2017	DUE	238.00	4,672.93

03/08/2022

FARGO REGIONAL CHILD SUPPORT UNIT
4950 13TH AVE S STE 22
FARGO ND 58103-7268ES9-545-AA
PAGE 2

FINANCIAL LEDGER FOR 10/01/1998 THROUGH 03/08/2022

ENFORCING FILE NO: 09-2016DM456

CASE NO: 0000639374-01

***** TRANSACTIONS *****

DATE	TYPE	AMOUNT	BALANCE
08/15/2017	INTEREST DUE	21.55	4,694.48
09/10/2017	DUE	238.00	4,932.48
09/15/2017	INTEREST DUE	24.25	4,956.73
10/10/2017	DUE	238.00	5,194.73
10/16/2017	INTEREST DUE	25.60	5,220.33
11/10/2017	DUE	238.00	5,458.33
11/15/2017	INTEREST DUE	26.05	5,484.38
12/10/2017	DUE	238.00	5,722.38
12/15/2017	INTEREST DUE	27.32	5,749.70
01/10/2018	DUE	238.00	5,987.70
01/16/2018	INTEREST DUE	32.90	6,020.60
02/10/2018	DUE	238.00	6,258.60
02/15/2018	INTEREST DUE	34.52	6,293.12
03/10/2018	DUE	238.00	6,531.12
03/15/2018	INTEREST DUE	33.61	6,564.73
04/06/2018	BALANCE ADJ	-716.83	5,847.90
04/16/2018	INTEREST DUE	35.91	5,883.81
05/15/2018	INTEREST DUE	32.65	5,916.46
06/15/2018	INTEREST DUE	34.93	5,951.39
07/16/2018	INTEREST DUE	34.93	5,986.32
08/15/2018	INTEREST DUE	33.79	6,020.11
09/17/2018	INTEREST DUE	37.06	6,057.17
10/15/2018	INTEREST DUE	31.51	6,088.68
11/15/2018	INTEREST DUE	34.93	6,123.61
12/17/2018	INTEREST DUE	35.91	6,159.52
01/15/2019	INTEREST DUE	34.93	6,194.45

03/08/2022

FARGO REGIONAL CHILD SUPPORT UNIT
4950 13TH AVE S STE 22
FARGO ND 58103-7268

ES9-545-AA

PAGE 3

FINANCIAL LEDGER FOR 10/01/1998 THROUGH 03/08/2022

ENFORCING FILE NO: 09-2016DM456

CASE NO: 0000639374-01

DATE	TYPE	AMOUNT	BALANCE
01/25/2019	BALANCE ADJ	-720.45	5,474.00
11/19/2019	RECEIVED	66.29	5,407.71
06/21/2021	RECEIVED	1,204.15	4,203.56