

IN THE UNITED STATES SUPREME COURT

Case No. 21-8147

JOHN P. TOMKINS,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

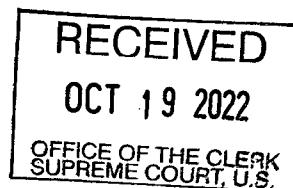
PETITIONER'S AMENDED MOTION FOR  
LEAVE TO PROCEED IN FORMA PAUPERIS

The *pro se* petitioner, John P. Tomkins, hereby responds to the Court's 10/\_\_\_/22 Order\* directing Petitioner to either submit an amended motion for permission to proceed *in forma pauperis* or pay the Court's docketing fee by 10/24/22.

As an initial matter, Petitioner offers his sincere apology for the insufficiency of his original Motion for Leave to Proceed *In Forma Pauperis*. Petitioner's lay understanding of S.Ct. Rule 39.1 led him to believe that referencing the fact that the U.S. District Court had appointed counsel to represent him under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, would be sufficient to satisfy Rule 39 ("If the court below appointed counsel for an indigent party, no affidavit or declaration is

---

\* Petitioner has not yet received a copy of the Court's Order as mail sent to FCI-Pekin routinely takes 2 to 3 weeks to be delivered. The only reason Petitioner is aware of the Order is thanks to his family accessing it on the Court's web site.



required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion.")

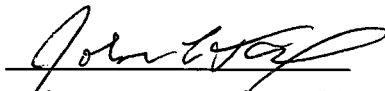
Obviously, Petitioner should have presented more than a bare-bones statement that "he was represented by appointed counsel pursuant to the provisions of the Criminal Justice Act of 1964, 18 U.S.C. § 3006A."

Rather than waste the Court's time with a lengthy analysis of the confusing procedural history concerning Petitioner's *in forma pauperis* status and the U.S. District Court's appointment of counsel, see Exhibit 1, Petitioner will simply amend his motion for leave to proceed *in forma pauperis* including a 6 month statement of his Trust Fund account and a completed "Form 4," which is attached as Exhibit 2.

#### CONCLUSION

WHEREFORE, the *pro se* Petitioner, John P. Tomkins, hereby moves the Honorable Court to accept this amended Motion for Leave to Proceed *In Forma Pauperis*.

Respectfully submitted this 13 day of October 2022 by:

  
John P. Tomkins #19421-424  
Federal Correctional Institution  
P.O. Box 5000  
Pekin, Illinois 61555-5000

# **EXHIBIT #1**

UNITED STATES DISTRICT COURT

for the  
DISTRICT OF

JOHN P. TOMKINS  
Plaintiff

v.

UNITED STATES OF AMERICA  
Defendant

)  
)  
)  
)  
) Case No. 21-8147 (S.Ct.)  
) 21-1615 (7th Cir.)  
) 16-cv-7073 (N.D. Ill.)  
)  
)

**AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: 

Date: October 10, 2022

My issues on appeal are:

- 1.) Courts are imposing too high of a standard for a certificate of appealability.
  - 2.) Federal prisoners are not required to pay a \$505 filing fee simply to apply for a certificate of appealability.
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	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Self-employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Income from real property (such as rental income)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Interest and dividends	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child support	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Disability (such as social security, insurance payments)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Unemployment payments	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Public-assistance (such as welfare)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Other (specify): Prison Income	\$ 200.00	\$ N/A	\$ 200.00	\$ N/A
<b>Total monthly income:</b>	\$ 200.00	\$ N/A	\$ 200.00	\$ N/A

2. *List your 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	\$ N/A
			\$
			\$

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ N/A	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A	\$ N/A
Food	\$ 100.00	\$ N/A
Clothing	\$ N/A	\$ N/A
Laundry and dry-cleaning	\$ N/A	\$ N/A
Medical and dental expenses	\$ N/A	\$ N/A
Transportation (not including motor vehicle payments)	\$ N/A	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 15.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ N/A	\$ N/A
Life:	\$ N/A	\$ N/A
Health:	\$ N/A	\$ N/A
Motor vehicle:	\$ N/A	\$ N/A
Other:	\$ N/A	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ N/A	\$ N/A
Installment payments		
Motor Vehicle:	\$ N/A	\$ N/A
Credit card (name):	\$ N/A	\$ N/A
Department store (name):	\$ N/A	\$ N/A
Other:	\$ N/A	\$ N/A
Alimony, maintenance, and support paid to others	\$ N/A	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ N/A	\$ N/A
Other (specify): Access to BOP e-mail system	\$ 50.00	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 165.00</b>	<b>\$ N/A</b>

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	\$ N/A
			\$
			\$

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
BUREAU OF PRISONS	TRUST FUND	\$ 404.22	\$ N/A
AMERICAN TRUST	401(k)	\$ 62,000.00	\$ N/A
		\$	\$

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

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

Home	Other real estate	Motor vehicle #1
(Value) \$ N/A	(Value) \$ N/A	(Value) \$ N/A
		Make and year: N/A
		Model: N/A
		Registration #: N/A

Motor vehicle #2	Other assets	Other assets
(Value) \$ N/A	(Value) \$ N/A	(Value) \$ N/A
Make and year:		
Model:		
Registration #:		

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

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

Name [or, if under 18, initials only]	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, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	N/A
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		



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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☒ Yes ☐ No
- Expecting BOP to transfer me to another institution  
which will result in the loss of my "job."

*If yes, how much?* \$ 505.00 filing and docketing fee in appellate court  
approx. \$150.00 in printing, copying, postage, etc.

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

I have been in federal prison for over 15 years.

12. *State the city and state of your legal residence.*

Pekin, Illinois

*Your daytime phone number:* (    )      N/A

*Your age:* 57      *Your years of schooling:* 12

*Last four digits of your social-security number:* 1298

# All Transactions



Inmate Reg #:	19421424	Current Institution:	Pekin FCI
Inmate Name:	TOMKINS, JOHN	Housing Unit:	PEK-B-B
Report Date:	10/12/2022	Living Quarters:	B06-208L
Report Time:	2:33:27 PM		

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
10/11/2022 12:11:06 AM	Subscriptions	(\$15.00)		30	\$389.22
10/8/2022 10:30:01 AM	TRUL Withdrawal	(\$5.00)	TL1008		\$404.22
10/6/2022 1:04:55 PM	Sales - Fingerprint	(\$52.30)	121		\$409.22
10/5/2022 2:21:40 PM	TRUL Withdrawal	(\$5.00)	TL1005		\$461.52
10/5/2022 1:15:01 PM	Payroll - TF	\$283.50	YCMS0922		\$466.52
10/3/2022 12:50:16 PM	Sales - No FP (Non-FP Session)	\$22.80	108		\$183.02
10/3/2022 12:28:47 PM	Sales - Fingerprint	(\$74.25)	107		\$160.22
9/30/2022 2:14:37 PM	TRUL Withdrawal	(\$5.00)	TL0930		\$234.47
9/24/2022 2:41:44 PM	TRUL Withdrawal	(\$5.00)	TL0924		\$239.47
9/20/2022 3:08:49 PM	TRUL Withdrawal	(\$5.00)	TL0920		\$244.47
9/17/2022 10:06:12 AM	TRUL Withdrawal	(\$5.00)	TL0917		\$249.47
9/15/2022 12:25:29 PM	Sales - Fingerprint	(\$48.90)	112		\$254.47
9/14/2022 11:30:45 AM	Sales - Fingerprint	(\$47.75)	73		\$303.37
9/12/2022 7:43:47 PM	TRUL Withdrawal	(\$5.00)	TL0912		\$351.12
9/11/2022 12:11:03 AM	Subscriptions	(\$15.00)		3037	\$356.12
9/10/2022 10:56:23 AM	TRUL Withdrawal	(\$5.00)	TL0910		\$371.12
9/8/2022 12:24:47 PM	Sales - Fingerprint	(\$20.30)	106		\$376.12
9/7/2022 2:02:52 PM	TRUL Withdrawal	(\$5.00)	TL0907		\$396.42
9/7/2022 12:57:15 PM	Payroll - TF	\$207.00	XCMS0822		\$401.42
9/2/2022 10:01:47 AM	Sales - No FP (Non-FP Session)	(\$30.45)	22		\$194.42
8/30/2022 3:22:16 PM	TRUL Withdrawal	(\$5.00)	TL0830		\$224.87
8/29/2022 1:00:20 PM	TRUL Withdrawal	(\$5.00)	TL0829		\$229.87
8/26/2022 5:40:50 PM	TRUL Withdrawal	(\$5.00)	TL0826		\$234.87
8/26/2022 10:52:20 AM	Sales - No FP (Non-FP Session)	(\$5.70)	16		\$239.87
8/26/2022 10:49:23 AM	Sales - No FP (Non-FP Session)	(\$21.55)	14		\$245.57
8/24/2022 7:17:21 PM	TRUL Withdrawal	(\$5.00)	TL0824		\$267.12
8/21/2022 8:47:31 AM	TRUL Withdrawal	(\$5.00)	TL0821		\$272.12
8/19/2022 11:31:06 AM	Sales - No FP (Non-FP Session)	(\$19.50)	21		\$277.12
8/18/2022 12:24:10 PM	TRUL Withdrawal	(\$5.00)	TL0818		\$296.62
8/15/2022 6:26:47 PM	TRUL Withdrawal	(\$5.00)	TL0815		\$301.62
8/15/2022 11:05:50 AM	Sales - No FP (Non-FP Session)	(\$5.20)	21		\$306.62
8/12/2022 11:20:16 AM	TRUL Withdrawal	(\$5.00)	TL0812		\$311.82
8/11/2022 10:59:18 AM	Sales - No FP (Non-FP Session)	(\$75.25)	93		\$316.82
8/9/2022 3:19:48 PM	TRUL Withdrawal	(\$5.00)	TL0809		\$392.07
8/5/2022 2:21:13 PM	TRUL Withdrawal	(\$5.00)	TL0805		\$397.07
8/5/2022 11:09:11 AM	Sales - No FP (Non-FP Session)	(\$31.05)	24		\$402.07
8/4/2022 1:12:07 PM	Payroll - TF	\$260.00	XCMS0722		\$433.12
8/2/2022 3:03:52 PM	TRUL Withdrawal	(\$5.00)	TL0802		\$173.12
7/29/2022 6:37:49 PM	TRUL Withdrawal	(\$5.00)	TL0729		\$178.12
7/29/2022 11:05:58 AM	Sales - No FP (Non-FP Session)	(\$20.45)	5		\$183.12
7/25/2022 5:10:32 PM	TRUL Withdrawal	(\$5.00)	TL0725		\$203.57
7/23/2022 6:14:21 PM	TRUL Withdrawal	(\$5.00)	TL0723		\$208.57
7/22/2022 9:54:32 AM	Sales - No FP (Non-FP Session)	(\$18.40)	23		\$213.57
7/21/2022 12:13:25 PM	TRUL Withdrawal	(\$5.00)	TL0721		\$231.97
7/20/2022 11:46:18 AM	Sales - No FP (Non-FP Session)	(\$8.30)	70		\$236.97
7/19/2022 12:43:57 PM	TRUL Withdrawal	(\$5.00)	TL0719		\$245.27
7/16/2022 5:32:16 PM	TRUL Withdrawal	(\$5.00)	TL0716		\$250.27
7/13/2022 12:42:09 PM	TRUL Withdrawal	(\$5.00)	TL0713		\$255.27
7/13/2022 12:09:34 PM	Sales - No FP (Non-FP Session)	(\$62.30)	102		\$260.27
7/9/2022 8:16:42 AM	TRUL Withdrawal	(\$5.00)	TL0709		\$322.57

# All Transactions



Inmate Reg #:	19421434	Current Institution:	Pekin FCI
Inmate Name:	TOMKINS, JOHN	Housing Unit:	PEK-B-B
Report Date:	10/12/2022	Living Quarters:	B06-208L
Report Time:	2:33:46 PM		

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
7/7/2022 12:51:00 PM	Payroll - TF	\$189.00	XCMS0622		\$327.57
7/2/2022 5:55:45 PM	TRUL Withdrawal	(\$5.00)	TL0702		\$138.57
7/1/2022 11:49:40 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$45.55)	47		\$143.57
6/28/2022 8:56:12 PM	TRUL Withdrawal	(\$5.00)	TL0628		\$189.12
6/26/2022 7:10:12 PM	TRUL Withdrawal	(\$5.00)	TL0626		\$194.12
6/25/2022 8:37:22 AM	TRUL Withdrawal	(\$5.00)	TL0625		\$199.12
6/23/2022 10:58:26 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$12.15)	87		\$204.12
6/22/2022 1:54:00 PM	TRUL Withdrawal	(\$5.00)	TL0622		\$216.27
6/18/2022 8:43:27 PM	TRUL Withdrawal	(\$5.00)	TL0618		\$221.27
6/17/2022 10:19:53 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$27.05)	18		\$226.27
6/15/2022 1:54:23 PM	TRUL Withdrawal	(\$5.00)	TL0615		\$253.32
6/12/2022 2:03:46 PM	TRUL Withdrawal	(\$5.00)	TL0612		\$258.32
6/11/2022 12:11:19 AM	Subscriptions	(\$15.00)		2423	\$263.32
6/10/2022 9:18:40 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$9.50)	27		\$278.32
6/9/2022 3:14:44 PM	TRUL Withdrawal	(\$5.00)	TL0609		\$287.82
6/6/2022 12:35:54 PM	Payroll - TF	\$264.00	XCMS0522		\$292.82
6/3/2022 11:58:04 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$47.55)	88		\$28.82
6/2/2022 6:31:01 PM	TRUL Withdrawal	(\$5.00)	TL0602		\$76.37
5/29/2022 8:01:38 AM	TRUL Withdrawal	(\$5.00)	TL0529		\$81.37
5/26/2022 11:34:34 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$20.35)	84		\$86.37
5/25/2022 2:06:02 PM	TRUL Withdrawal	(\$5.00)	TL0525		\$106.72
5/23/2022 10:21:15 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$6.10)	18		\$111.72
5/22/2022 1:41:27 PM	TRUL Withdrawal	(\$5.00)	TL0522		\$117.82
5/20/2022 12:12:39 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$46.80)	112		\$122.82
5/17/2022 2:17:35 PM	TRUL Withdrawal	(\$5.00)	TL0517		\$169.62
5/13/2022 2:18:28 PM	TRUL Withdrawal	(\$5.00)	TL0513		\$174.62
5/13/2022 11:33:23 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$71.85)	49		\$179.62
5/11/2022 12:11:18 AM	Subscriptions	(\$15.00)		2157	\$251.47
5/7/2022 3:24:35 PM	TRUL Withdrawal	(\$5.00)	TL0507		\$266.47
5/6/2022 10:25:06 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$15.50)	28		\$271.47
5/5/2022 11:14:31 AM	Payroll - TF	\$189.00	XCMS0422		\$286.97
5/4/2022 12:02:20 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$7.50)	94		\$97.97
5/3/2022 3:26:17 PM	TRUL Withdrawal	(\$5.00)	TL0503		\$105.47
5/2/2022 10:29:29 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$37.80)	73		\$110.47
5/1/2022 1:21:14 PM	TRUL Withdrawal	(\$5.00)	TL0501		\$148.27
4/27/2022 2:14:00 PM	TRUL Withdrawal	(\$5.00)	TL0427		\$153.27
4/26/2022 11:43:47 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$19.85)	83		\$158.27
4/23/2022 2:12:47 PM	TRUL Withdrawal	(\$5.00)	TL0423		\$178.12
4/22/2022 11:04:45 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$4.90)	8		\$183.12
4/21/2022 5:11:37 PM	TRUL Withdrawal	(\$5.00)	TL0421		\$188.02
4/21/2022 11:49:53 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$38.20)	87		\$193.02
4/18/2022 1:44:46 PM	TRUL Withdrawal	(\$5.00)	TL0418		\$231.22
4/16/2022 9:01:36 AM	TRUL Withdrawal	(\$5.00)	TL0416		\$236.22
4/15/2022 8:10:18 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$7.25)	6		\$241.22
4/13/2022 1:37:49 PM	TRUL Withdrawal	(\$5.00)	TL0413		\$248.47
4/13/2022 12:07:38 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$49.45)	60		\$253.47
4/11/2022 12:11:13 AM	Subscriptions	(\$15.00)		1919	\$302.92
4/8/2022 12:44:46 PM	TRUL Withdrawal	(\$5.00)	TL0408		\$317.92
4/8/2022 11:57:18 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$18.20)	96		\$322.92
4/5/2022 5:10:34 PM	TRUL Withdrawal	(\$5.00)	TL0405		\$341.12

# All Transactions



Inmate Reg #:	19421424	Current Institution:	Pekin FCI
Inmate Name:	TOMKINS, JOHN	Housing Unit:	PEK-B-B
Report Date:	10/12/2022	Living Quarters:	B06-208L
Report Time:	2:33:52 PM		

<u>Date/Time</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
4/5/2022 12:42:52 PM	Payroll - TF	\$229.50	XCMS0322		\$346.12
4/2/2022 7:07:07 PM	TRUL Withdrawal	(\$5.00)	TL0402		\$116.62
3/31/2022 12:44:09 PM	TRUL Withdrawal	(\$5.00)	TL0331		\$121.62
3/30/2022 10:53:36 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$43.60)	59 ,		\$126.62
3/28/2022 6:20:06 PM	TRUL Withdrawal	(\$5.00)	TL0328		\$170.22
3/25/2022 1:00:33 PM	TRUL Withdrawal	(\$5.00)	TL0325		\$175.22
3/23/2022 12:02:16 PM	<u>Sales - No FP (Non-FP Session)</u>	\$0.00	92		\$180.22
3/22/2022 4:51:27 PM	TRUL Withdrawal	(\$5.00)	TL0322		\$180.22
3/22/2022 11:39:56 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$43.20)	26		\$185.22
3/19/2022 6:56:13 PM	TRUL Withdrawal	(\$5.00)	TL0319		\$228.42
3/18/2022 11:07:33 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$17.00)	4		\$233.42
3/16/2022 6:55:07 PM	TRUL Withdrawal	(\$5.00)	TL0316		\$250.42
3/14/2022 11:52:20 AM	TRUL Withdrawal	(\$5.00)	TL0314		\$255.42
3/12/2022 12:53:27 PM	TRUL Withdrawal	(\$5.00)	TL0312		\$260.42
3/11/2022 12:11:16 AM	Subscriptions	(\$15.00)		1616	\$265.42
3/9/2022 6:05:39 PM	TRUL Withdrawal	(\$5.00)	TL0309		\$280.42
3/9/2022 10:09:54 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$9.75)	83		\$285.42
3/9/2022 10:06:37 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$35.65)	82		\$295.17
3/7/2022 1:55:07 PM	TRUL Withdrawal	(\$5.00)	TL0307		\$330.82
3/4/2022 12:05:17 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$20.65)	53		\$335.82
3/4/2022 7:15:10 AM	Payroll - TF	\$117.00	XCMS0222		\$356.47
3/3/2022 5:06:41 PM	TRUL Withdrawal	(\$5.00)	TL0303		\$239.47
3/3/2022 3:17:03 PM	Inmate Co-pay	(\$2.00)	XICP0322		\$244.47
3/2/2022 6:38:06 PM	TRUL Withdrawal	(\$5.00)	TL0302		\$246.47
2/26/2022 7:48:37 PM	TRUL Withdrawal	(\$5.00)	TL0226		\$251.47
2/25/2022 12:05:34 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$17.20)	82		\$256.47
2/24/2022 5:41:51 PM	TRUL Withdrawal	(\$5.00)	TL0224		\$273.67
2/24/2022 11:32:50 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$31.10)	68		\$278.67
2/21/2022 3:00:40 PM	TRUL Withdrawal	(\$5.00)	TL0221		\$309.77
2/18/2022 12:07:29 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$7.85)	5		\$314.77
2/18/2022 6:48:49 AM	TRUL Withdrawal	(\$5.00)	TL0218		\$322.62
2/17/2022 12:12:18 PM	<u>Sales - No FP (Non-FP Session)</u>	(\$24.95)	99		\$327.62
2/16/2022 12:35:29 PM	TRUL Withdrawal	(\$5.00)	TL0216		\$352.57
2/14/2022 1:41:43 PM	TRUL Withdrawal	(\$5.00)	TL0214		\$357.57
2/11/2022 10:56:03 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$13.95)	21		\$362.57
2/11/2022 12:11:04 AM	Subscriptions	(\$15.00)		1333	\$376.52
2/10/2022 11:49:57 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$10.90)	71		\$391.52
2/10/2022 10:24:58 AM	TRUL Withdrawal	(\$5.00)	TL0210		\$402.42
2/9/2022 1:00:12 PM	TRUL Withdrawal	(\$5.00)	TL0209		\$407.42
2/9/2022 11:46:58 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$15.80)	49		\$412.42
2/4/2022 1:23:48 PM	Payroll - TF	\$239.00	XCMS0122		\$428.22
1/24/2022 11:15:57 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$18.20)	44		\$189.22
1/23/2022 1:24:41 PM	TRUL Withdrawal	(\$5.00)	TL0123		\$207.42
1/21/2022 7:57:32 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$3.70)	43		\$212.42
1/20/2022 2:21:30 PM	TRUL Withdrawal	(\$5.00)	TL0120		\$216.12
1/19/2022 11:55:53 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$20.10)	46		\$221.12
1/18/2022 6:25:37 AM	TRUL Withdrawal	(\$5.00)	TL0118		\$241.22
1/12/2022 10:37:30 AM	<u>Sales - No FP (Non-FP Session)</u>	(\$19.55)	58		\$246.22

# **EXHIBIT #2**

AO279, APPEAL, SCHENKIER, TERMED

**United States District Court****Northern District of Illinois - CM/ECF LIVE, Ver 6.3.3 (Chicago)****CIVIL DOCKET FOR CASE #: 1:16-cv-07073****Internal Use Only**

Tomkins v. United States of America

Assigned to: Honorable Robert M. Dow, Jr

Case in other court: 18-02061

21-01615

Cause: 28:2255 Remedies on motion attack

Date Filed: 07/07/2016

Date Terminated: 04/23/2018

Jury Demand: None

Nature of Suit: 510 Prisoner: Vacate

Sentence

Jurisdiction: U.S. Government Defendant

**Petitioner****John P Tomkins**represented by **James D. Tunick**

Law Offices of James D. Tunick

650 N. Dearborn St

Suite 700

Chicago, IL 60654

773-425-1657

Email: jamestunick@gmail.com

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

V.

**Respondent****United States of America**represented by **AUSA - Chicago**United States Attorney's Office (NDIL -  
Chicago)

219 South Dearborn Street

Chicago, IL 60604

Email: USAILN.ECFAUSA@usdoj.gov

**ATTORNEY TO BE NOTICED****Juliet S Sorensen**United States Attorney's Office (NDIL -  
Chicago)


219 South Dearborn Street

Chicago, IL 60604

(312) 353-5300

Email: juliet.sorensen@usdoj.gov

**TERMINATED: 11/01/2016****Madeleine Sullivan Murphy**United States Attorney's Office (NDIL -  
Chicago)

		(Entered: 10/04/2019)
10/07/2019	<u>57</u>	MINUTE entry before the Honorable Robert M. Dow, Jr: Minute entry <u>56</u> entered on 10/4/2019, is corrected as follows: At the request of the Defendant, a status hearing is set for 10/9/2019 at 10:00 a.m. Mailed notice (cdh, ) (Entered: 10/07/2019)
10/09/2019	<u>58</u>	MINUTE entry before the Honorable Robert M. Dow, Jr: Case called on the morning call. For the reasons stated on the record, the Court resets the motion hearing to the first available time when Mr. Tomkins can be made available by telephone. The Court requests that the Government contact FCI Pekin to make the necessary arrangements for Mr. Tomkins to participate in the hearing by telephone. Case called again on the afternoon call. Government was able to secure Mr. Tomkins for motion hearing today at 3:00 p.m. Mr. Tomkins participates by telephone, with Mr. Tzur present for the Government and Mr. Beal, former defense counsel, on his own behalf. For the reasons stated on the record and without objection, the Court appoints the Federal Defender or a Panel Attorney to represent Mr. Tomkins with the scope of the representation limited to the issue raised on the record by Mr. Beal under the Model Code of Professional Responsibility. The Courtroom Deputy has contacted the Federal Defender for the name of counsel. A further status hearing is set for 11/8/2019 at 10:30 a.m. The Court again requests that counsel for the Government make arrangements for Mr. Tomkins to participate by telephone. Mailed notice to Mr. Tomkins on 10/10/2019. (cdh, ) (Entered: 10/10/2019)
10/10/2019		MAILED copy of Court Order <u>55</u> to John P. Tomkins. (cdh, ) (Entered: 10/10/2019)
10/21/2019	<u>59</u>	MOTION by Petitioner John P Tomkins for a stay of the court's waiver of privilege order. (Envelope not postmarked - institution mail room) (pk, ) (Entered: 10/23/2019)
11/08/2019	<u>60</u>	CJA ORDER Appointing Counsel James D. Tunick for John P Tomkins Under the Criminal Justice Act. Signed by the Honorable Robert M. Dow, Jr on 11/8/2019. Mailed notice(pk, ) (Entered: 11/08/2019)
11/08/2019	<u>61</u>	ATTORNEY Appearance for Petitioner John P Tomkins by James D. Tunick (pk, ) (Entered: 11/08/2019)
11/08/2019	<u>62</u>	ORDER : Status hearing held. Plaintiff Mr. Tomkins participates by telephone. The Court appoints attorney Mr. James D. Tunick as counsel for John P. Tomkins. Tompkins' emergency motion for a stay of the order is entered and continued. Counsel to contact the courtroom deputy as when they are ready for the next status hearing. The declaration received from Mr. Puma will be placed on the docket underseal until further order of the Court. Signed by the Honorable Robert M. Dow, Jr on 11/8/2019. Mailed notice (tg, ). (Entered: 11/14/2019)
11/08/2019	 <u>63</u>	SEALED DECLARATION by Lipuma (tg, ) (Entered: 11/14/2019)
12/06/2019	<u>64</u>	LETTER from John P. Tomkins dated 12/3/2019. (Envelope postmarked 12/3/2019; institution mail room) (lma, ) (Entered: 12/06/2019)
12/06/2019	<u>65</u>	MOTION by Petitioner John P Tomkins for leave to amend, MOTION for reconsideration (Envelope not postmarked) (sxb, ) (Entered: 12/09/2019)

APPEAL, SCHENKIER

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 4.2 (Chicago)**  
**CRIMINAL DOCKET FOR CASE #: 1:07-cr-00227-1**  
**Internal Use Only**

Case title: USA v. Tomkins

Date Filed: 09/18/2007

Assigned to: Honorable Robert M.  
Dow, Jr  
Referred to: Honorable Sidney I.  
Schenkier

Appeals court case number: 10-3710  
7th Circuit

**Defendant (1)**

**John P Tomkins**  
*also known as*  
The Bishop

represented by **John P Tomkins**  
#19421-424  
Metropolitan - MCC  
71 West Van Buren Street  
Chicago, IL 60605  
PRO SE

**Francis C. Lipuma**  
300 South Wacker Drive  
Suite 1700A  
Chicago, IL 60606  
(312) 675-0089  
Fax: (312) 663-0303  
Email: f.lipuma@comcast.net  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Federal Defender Program**  
**ATTORNEY TO BE NOTICED**

**Brian M. Collins**  
Law Offices of Brian M. Collins  
70 West Hubbard Street  
Suite 302  
Chicago, IL 60610  
(312) 755-0303  
Email: briancollins302@sbcglobal.net  
**TERMINATED: 08/05/2009**  
*Designation: Retained*



04/25/2007	<u>5</u>	MINUTE entry before Judge Sidney I. Schenkier as to John P. Tomkins : Initial appearance proceedings held. Defendant informed of rights. Enter order appointing Rose Lindsey as counsel for defendant for initial appearance only. Government seeks detention. Status hearing regarding preliminary examination and detention hearing is set for 4/30/07 at 2:30 p.m. (las, ) (Entered: 04/26/2007)
04/25/2007	<u>6</u>	ATTORNEY Appearance for defendant John P Tomkins by Rosalie Jane Lindsay (las, ) (Entered: 04/27/2007)
04/25/2007	<u>7</u>	FINANCIAL affidavit filed by John P Tomkins (las, ) (Entered: 04/27/2007)
04/30/2007		ORAL MOTION by USA for detention based on danger to community as to John P Tomkins (yap, ) (Entered: 05/01/2007)
04/30/2007		UNOPPOSED ORAL MOTION by John P Tomkins for agents to preserve their notes in this case (yap, ) (Entered: 05/01/2007)
04/30/2007	<u>8</u>	MINUTE entry before Judge Sidney I. Schenkier as to John P. Tomkins:Detention hearing held on 4/30/07. Oral argument heard in open court. For the reasons stated in open Court,Governments oral motion for detention based on danger to community is granted. Government shall submitto Judge Schenkier's chambers a draft copy of the detention order with a disk no later than 5/7/07. Status onpreliminary examination held. Defendant waives his right to preliminary examination. The court findsprobable cause and orders the defendant bound to the District Court for further proceedings. Defendant'sunopposed oral motion for agents to preserve their notes in this case is granted. Defendant to remain incustody pending trial. Mailed notice (yap, ) (Entered: 05/01/2007)
05/09/2007	<u>10</u>	ORDER of Detention Pending Trial as to John P Tomkins Signed by Judge Sidney I. Schenkier on 5/9/07. (las, ) (Entered: 05/17/2007)
05/15/2007	<u>9</u>	MINUTE entry before Judge Sidney I. Schenkier as to John Tomkins: Enter order of detention pending trial. Mailed notice (las, ) (Entered: 05/17/2007)
05/17/2007	<u>11</u>	UNOPPOSED MOTION by USA for an extension of time as to John P Tomkins. (RESTRICTED) (emd, ) (Entered: 06/11/2007)
05/17/2007	<u>12</u>	ORDER granting motion for extension of time <u>11</u> as to John P Tomkins (1) Signed by Judge James F. Holderman on 5/17/07. (RESTRICTED) (emd, ) (Entered: 06/11/2007)
08/09/2007	<u>13</u>	MOTION by USA for extension of time as to John P Tomkins <i>UNOPPOSED SECOND MOTION FOR AN EXTENSION OF TIME TO RETURN INDICTMENT PURSUANT TO 18 USC SECTION 3161(h)</i> (Attachments: # <u>1</u> Text of Proposed Order)(Schneider, Mark) (Entered: 08/09/2007)
08/09/2007	<u>14</u>	NOTICE of FILING by USA as to John P Tomkins regarding MOTION by USA for extension of time as to John P Tomkins <i>UNOPPOSED SECOND MOTION FOR AN EXTENSION OF TIME TO RETURN</i>