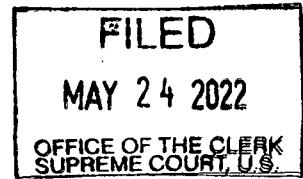


22-5039

ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



Randy Scott Diehl — PETITIONER
(Your Name)

VS.

David Shinn — RESPONDENT(S)

(CORRECTED) 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*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. District Court in Phoenix, Arizona

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.

R. Diehl

(Signature)

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

I, Randy Scott Diehl, 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>40.00</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>—</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>0</u>	\$ <u>0</u>	\$ <u>0</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>40.00</u>	\$ <u>0</u>	\$ <u>0</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
AZ Dept of Corr (prisoner Job)	P.o.Box 3300 Florence, AZ 85132	6/2016 - 4/2022	\$ 40.00 + \$ \$

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? \$.02

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ \emptyset	\$ \emptyset
	\$ \emptyset	\$ \emptyset
	\$ \emptyset	\$ \emptyset

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

Home
Value \emptyset *NONE*

Other real estate
Value \emptyset *NONE*

Motor Vehicle #1
Year, make & model \emptyset *NONE*
Value \emptyset

Motor Vehicle #2
Year, make & model \emptyset *NONE*
Value \emptyset

Other assets
Description \emptyset *NONE*
Value \emptyset

I Do NOT own ANY OF THESE ITEMS.

[Large area of the page is heavily scribbled out with a black marker.]

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>0</u>	\$ <u>0</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

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)	\$ <u>0</u>	\$ <u>0</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>2.00</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>38.00</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	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>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <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>N/A</u>	\$ <u>0</u>	\$ <u>0</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>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	<u>\$ 40.00</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? _____

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. I STRUGGLE TO SURVIVE OFF THE \$40.00 PER MONTH I MAKE WHEN I HAVE A JOB ASSIGNMENT. I DO NOT CURRENTLY HAVE ANY JOB ASSIGNMENT BUT AM ON A WAITING LIST TO BE HIRED SOMETIME IN THE FUTURE.

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

Executed on: JUNE 4, 2022
2022



(Signature)

Inmate Account Summary

Transactions from 04/01/2022 to 05/13/2022

Inmate		Funds		
Name:	DIEHL, RANDY S	Account	Beginning Balance	Ending Balance
ADC #:	245140	Spendable:	\$2.26	\$0.02
ADC #:	245140	INMATE DEBT:	\$0.00	\$0.00
DOB:	11/22/1965	DDA: (TRUST ACCOUNT)	\$250.00	\$250.00
Status:	Active	Wages: (NON-SPENDABLE)	\$0.00	\$0.00
Admitted:	5/16/2016	Retention:	\$0.00	\$0.00
Released:	N/A	DDA L:	\$0.00	\$0.00

Classifications		
Religious Affiliation : Christian	Religious Diet : none	Phase : Phase 3
Security Level : 3	Loss of Privilege : N	

Transactions							
Date/Time	Accounting Event	Description	Account	Amount	Trust	Debt	
4/21/2022 9:32:54 AM	20 STORE PURCHASE	Commissary Purchase, Order Number : 3375958	Spendable	(\$39.15)	\$250.02	\$0.00	
4/16/2022 12:44:48 AM	36 PMT UTILITY FEE	Pay: 4/16/2022 12:44:48 AM - 36 UTILITY FEE - Charge for Utilities	Spendable	(\$2.00)	\$289.17	\$0.00	
4/16/2022 12:44:48 AM	36 PMT UTILITY FEE	Pay: 4/16/2022 12:44:48 AM - 36 UTILITY FEE - Charge for Utilities	INMATE DEBT	(\$2.00)	\$291.17	\$0.00	
4/16/2022 12:44:48 AM	36 UTILITY FEE	Charge for Utilities	INMATE DEBT	\$2.00	\$291.17	\$2.00	
4/15/2022 11:42:14 AM	46 COPY NON LGL	A19 262 Copies NL 4/01/22	Spendable	(\$0.40)	\$291.17	\$0.00	
4/14/2022 10:29:25 AM	20 STORE PURCHASE	Commissary Purchase, Order Number : 3352050	Spendable	(\$90.71)	\$291.57	\$0.00	
4/11/2022 11:02:22 AM	58 ITA FEE	Deduct: from 'Spendable' into 'Common Checks - Deductions and Fees'	Spendable	(\$1.00)	\$382.28	\$0.00	

Inmate Account Summary

Transactions from 04/01/2022 to 05/13/2022

4/11/2022 11:02:22 AM	11 EFT JPAY	Receipt: 142182164, Depositor: Sharon Zard	Spendable	\$100.00	\$383.28	\$0.00
4/7/2022 10:13:59 AM	20 STORE PURCHASE	Commissary Purchase, Order Number : 3328967	Spendable	(\$41.05)	\$283.28	\$0.00
4/6/2022 9:28:25 PM	58 ITA FEE	Deduct: from 'Spendable' into 'Common Checks - Deductions and Fees'	Spendable	(\$0.50)	\$324.33	\$0.00
4/6/2022 9:28:25 PM	11 EFT JPAY	Receipt: 142031432, Depositor: MARIA CHAVEZ	Spendable	\$50.00	\$324.83	\$0.00
4/1/2022 12:54:42 AM	58 ITA FEE PYRL	Deduct: from 'Spendable' into 'Common Checks - Deductions and Fees'	Spendable	(\$0.23)	\$274.83	\$0.00
4/1/2022 12:54:42 AM	94 XFR WAGES TO SPND L2	Deduct: from 'Wages' into 'Spendable'	Spendable	\$22.80	\$275.06	\$0.00
4/1/2022 12:54:42 AM	94 XFR WAGES TO SPND L2	Deduct: from 'Wages' into 'Spendable'	Wages	(\$22.80)	\$252.26	\$0.00
4/1/2022 12:54:42 AM	54 TRANSITION FEE LT2	Deduct: from 'Wages' into 'Common Checks - Deductions and Fees'	Wages	(\$1.20)	\$275.06	\$0.00
4/1/2022 12:54:41 AM	15 PYRL WI L2 TR	WIPP Payroll LT \$2 Transition	Wages	\$24.00	\$276.26	\$0.00