

22-5244
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUN 24 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES M. TORRENCE — PETITIONER
(Your Name)

VS.

HAZEL PETERSON, Warden, — RESPONDENT(S)

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):

(1) Sedgwick County District Court, 18th Judicial District, Wichita,
Kansas, (2) Kansas Court of Appeals, (3) U.S. District Court-Kansas

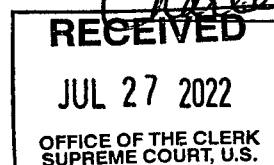
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

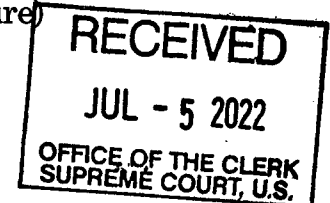
☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

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

☒ a copy of the order of appointment is appended.



(Signature)



EIGHTEENTH JUDICIAL DISTRICT
CIVIL DEPARTMENT
MOTION MINUTES SHEET

ELECTRONIC, Y FILED
2018 May 16 AM 9:57
CLERK OF THE SEDGWICK COUNTY DISTRICT COURT
CASE NUMBER: 2018-CV-000795-IA

Charles M Torrence vs. State of Kansas (60-1507)

Date: 5/15/2018

Time:

Div: 15

CASE: 2018-CV-000795-IA

Hearing Type: Motion to Certify Petitioner Indigency

Reason/Comment:

Plaintiff (Attorney(s))
Pro Se

Defendant Attorney(s)

Court grants Petitioner's (P) motion. Court finds P is indigent for purposes of appointment of appellate counsel for P herein, if P seeks an appeal of this Court's rulings, to-wit: denial of P's 60-1507 and Motion to Alter / Amend..


ORDER

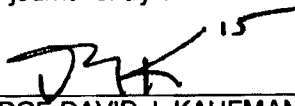
Date:

IT IS ORDERED:

☐ That _____ prepare a journal entry/order reflecting the court's action

☒ That this document shall serve as the court's order without further journal entry/order


Record taken by


JUDGE DAVID J. KAUFMAN, DIVISION 15

Approved: Attorney - Plaintiff

Approved: Attorney - Defendant

MIME-Version:1.0

From:KSD_CMECF@ksd.uscourts.gov

To:ksd_nef@localhost.localdomain

Bcc:

--Case Participants: Kristafer R. Ailslieger (connie.yonke@ag.ks.gov, kris.ailslieger@ag.ks.gov, natalie.chalmers@ag.ks.gov, nikki.desch@ag.ks.gov), Michael Joseph Duenes (chelsea.zamora@ag.ks.gov, connie.deckard@ag.ks.gov, donna.wells@ag.ks.gov, michael.duenes@ag.ks.gov), Charles M. Torrence (kdoc_court_file_ncf@ks.gov), District Judge John W. Broomes (joyce_roach@ksd.uscourts.gov, ksd_broomes_chambers@ksd.uscourts.gov)
--Non Case Participants: Gloria Griffin Clement (gloria_clement@ksd.uscourts.gov), Clerk of Court, US Court of Appeals (ca10_team2@ca10.uscourts.gov), Prisoner Address Changes (jenny_lolley@ksd.uscourts.gov, sherry_nielsen-davis@ksd.uscourts.gov)
--No Notice Sent:

Message-Id:<5540579@ksd.uscourts.gov>

Subject:Activity in Case 5:20-cv-03310-JWB Torrence (ID 08977) v. Peterson Order on Motion for Leave to Appeal In Forma Pauperis (Prisoner Case)

Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 3/18/2022 at 11:38 AM CDT and filed on 3/18/2022

Case Name: Torrence (ID 08977) v. Peterson

Case Number: 5:20-cv-03310-JWB

Filer:

WARNING: CASE CLOSED on 02/09/2022

Document Number: 46(No document attached)

Docket Text:

ORDER granting [45] Petitioner's Motion for Leave to Appeal in forma pauperis. Because petitions for habeas corpus are not subject to the Prison Litigation Reform Act, Petitioner is not subject to installment payments. See United States v. Simmonds, 111 F.3d 737, 743 (10th Cir. 1997), overruled on other grounds by United States v. Hurst, 322 F.3d 1256 (10th Cir. 2003). Entered by District Judge John W. Broomes on 03/18/2022. Mailed to pro se party Charles M. Torrence by regular mail (This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (jmr)

5:20-cv-03310-JWB Notice has been electronically mailed to:

Kristafer R. Ailslieger kris.ailslieger@ag.ks.gov, connie.yonke@ag.ks.gov,
natalie.chalmers@ag.ks.gov, nikki.desch@ag.ks.gov

Michael Joseph Duenes michael.duenes@ag.ks.gov, chelsea.zamora@ag.ks.gov,
connie.deckard@ag.ks.gov, donna.wells@ag.ks.gov

Charles M. Torrence KDOC_court_file_ncf@ks.gov

5:20-cv-03310-JWB Notice has been delivered by other means to:

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

I, Charles M. Torrence, 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>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Self-employment	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Gifts	\$ <u>9.00</u>	\$ <u>n/a</u>	\$ <u>9.00</u>	\$ <u>n/a</u>
Alimony	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Child Support	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>none</u>	\$ <u>n/a</u>	\$ <u>none</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>9.00</u>	\$ <u>n/a</u>	\$ <u>9.00</u>	\$ <u>n/a</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
unemployed	n/a	n/a	\$ n/a
			\$
			\$

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.) *n/a (not married)*

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? \$ *95.54* available cash
Below, state any money you or your spouse have in bank accounts or in any other financial institution. *none*

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

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

☐ Home *n/a*
Value _____

☐ Other real estate *n/a*
Value _____

☐ Motor Vehicle #1
Year, make & model *n/a*
Value _____

☐ Motor Vehicle #2
Year, make & model *n/a*
Value _____

☐ Other assets *\$95.54*
Description *available cash in my inmate account.*
Value *\$419.81 in "forced savings"*

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>none</u>	\$ <u>n/a</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>none</u>	<u>none</u>	<u>none</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>(in prison)</u> \$ <u>none</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>none</u>	\$ <u>n/a</u>
Home maintenance (repairs and upkeep)	\$ <u>none</u>	\$ <u>n/a</u>
Food	\$ <u>none</u>	\$ <u>n/a</u>
Clothing	\$ <u>none</u>	\$ <u>n/a</u>
Laundry and dry-cleaning	\$ <u>none</u>	\$ <u>n/a</u>
Medical and dental expenses	\$ <u>none</u>	\$ <u>n/a</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>none</u>	\$ <u>n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>none</u>	\$ <u>n/a</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>none</u>	\$ <u>n/a</u>
Life	\$ <u>none</u>	\$ <u>n/a</u>
Health	\$ <u>none</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>none</u>	\$ <u>n/a</u>
Other: _____	\$ <u>none</u>	\$ <u>n/a</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>none</u>	\$ <u>n/a</u>
Installment payments		
Motor Vehicle	\$ <u>none</u>	\$ <u>n/a</u>
Credit card(s)	\$ <u>none</u>	\$ <u>n/a</u>
Department store(s)	\$ <u>none</u>	\$ <u>n/a</u>
Other: _____	\$ <u>none</u>	\$ <u>n/a</u>
Alimony, maintenance, and support paid to others	\$ <u>none</u>	\$ <u>n/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>none</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>none</u>	\$ <u>n/a</u>
Total monthly expenses:	\$ <u>none</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? 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 in prison serving 21 years to life, followed by 725 months. And I am being made, by statute and court order, to pay court costs and restitution from my inmate account. I receive \$9.00 monthly pay from the prison. I have \$ 95.54 in my inmate account available to me to spend, plus \$ 419.81 being held by the prison in "mandatory savings." I cannot spend anything from "MANDATORY SAVINGS" without permission from the Warden.

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

Executed on: July 19, , 20 22

Charles M. Torrence
(Signature)