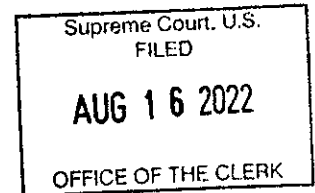


No. **22-5444**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Robert JW McClelland — PETITIONER
(Your Name)



VS.

Rick Raemisch, et al., — 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):

United States District Court for the District of Colorado

☐ 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.

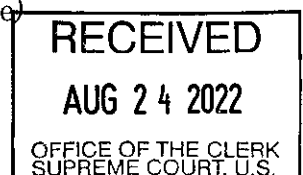
☐ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

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

☐ A copy of the order of appointment is appended.



(Signature)



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

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

4. How much cash do you and your spouse have? \$ 15,000.00
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
Savings - 401K/Retirement	\$ 15,000 +/-	\$
	\$	\$
	\$	\$

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

D Home
Value 0

D Other real estate
Value 0

D Motor Vehicle #1
Year, make & model
Value 0

D Motor Vehicle #2
Year, make & model
Value 0

D Other assets
Description
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
N/A	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
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 _____	\$ _____
Are real estate taxes included? D Yes D No		
Is property insurance included? D Yes D No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0 _____	\$ _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ _____
Food	\$ 0 _____	\$ _____
Clothing	\$ 0 _____	\$ _____
Laundry and dry-cleaning	\$ 0 _____	\$ _____
Medical and dental expenses	\$ 0 _____	\$ _____

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? _____

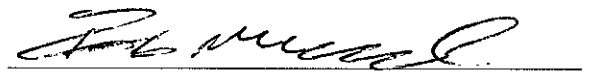
If yes, state the person's name, address, and telephone number:

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

I have been incarcerated in the Colorado Department of Corrections for the past 12.5 years and my monthly average income has been approximately \$13.50. My parents have given me roughly \$120.00 a month to help with food and hygiene.

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

Executed on: 8.11.22, 2022


(Signature)



155317 - MCCLELAND, ROBERT J
BVMC, BM/C UNIT



Printed 08/11/2022 at 8:39 am by Hallie Beard (hlbeard)

H. Beard

Criteria — Date Start: , End:

STATEMENT OF ACCOUNT ACTIVITY

Statement Period: 02/11/2022 - 08/11/2022

Date:Time	Description	Tran Amt	Balance	Available	Encumbrances			Available	FC
				Before W/H	Type	Amount	Total	Balance	
02/11/2022 00:00	Beginning Balance	0.00	125.21	125.21			3.78	121.43	
02/16/2022 07:49	Canteen #16510613 Hold	0.00		125.21	CANTEEN	24.92	28.70	96.51	
02/17/2022 06:29	Canteen Ord#16510613	-24.92	100.29	100.29		0.00	3.78	96.51	BM
02/23/2022 07:38	Canteen #16522547 Hold	0.00		100.29	CANTEEN	23.94	27.72	72.57	
02/23/2022 15:40	POSTAGE-DEBIT	-1.79	98.50	98.50		0.00	27.72	70.78	BM
02/25/2022 06:45	Canteen Ord#16522547	-23.94	74.56	74.56		0.00	3.78	70.78	BM
02/28/2022 01:07	RESTITUTION- 10CR323	-3.78	70.78	70.78		0.00	0.00	70.78	BM
03/01/2022 23:44	JPAY CREDIT	120.00	190.78	190.78	MANDATORY	24.00	24.00	166.78	BM
03/02/2022 07:41	Canteen #16535187 Hold	0.00		190.78	CANTEEN	24.73	48.73	142.05	
03/03/2022 07:29	Canteen Ord#16535187	-24.73	166.05	166.05		0.00	24.00	142.05	BM
03/04/2022 23:59	MEDICAL APPOINT	-3.00	163.05	163.05		0.00	24.00	139.05	BM
03/07/2022 09:58	1 CLERK	17.20	180.25	180.25	MANDATORY	3.44	27.44	152.81	BM
03/09/2022 08:29	Canteen #16558758 Hold	0.00		180.25	CANTEEN	43.84	71.28	108.97	
03/10/2022 06:26	Canteen Ord#16558758	-43.84	136.41	136.41		0.00	27.44	108.97	BM
03/10/2022 12:45	SPECIAL ACTIVITIES DEBIT	-15.00	121.41	121.41		0.00	27.44	93.97	BM
03/11/2022 07:44	Canteen #16550856 Hold	0.00		121.41	CANTEEN	7.18	34.62	86.79	
03/16/2022 16:28	XEROX-DEBIT	-0.75	120.66	120.66		0.00	34.62	86.04	BM
03/29/2022 15:23	Canteen Ord#16550856	-7.18	113.48	113.48		0.00	27.44	86.04	BM
03/31/2022 01:17	RESTITUTION- 10CR323	-27.44	86.04	86.04		0.00	0.00	86.04	BM

04/07/2022 10:46	1 CLERK	7.74	93.78	93.78	MANDATORY	1.55	1.55	92.23	BM
04/28/2022 11:44	SPECIAL ACTIVITIES DEBIT	-11.00	82.78	82.78		0.00	1.55	81.23	BM
04/29/2022 00:47	RESTITUTION- 10CR323	-1.55	81.23	81.23		0.00	0.00	81.23	BM
05/04/2022 08:11	Canteen #16669364 Hold	0.00		81.23	CANTEEN	48.65	48.65	32.58	
05/04/2022 11:05	1 CLERK	4.30	85.53	85.53	MANDATORY	0.86	49.85	35.68	BM
05/04/2022 11:05	1 CLERK	1.72	87.25	87.25	MANDATORY	0.34	49.85	37.40	BM
05/05/2022 06:08	Canteen Ord#16669364	-48.65	38.60	38.60		0.00	1.20	37.40	BM
05/07/2022 23:37	JPAY CREDIT	120.00	158.60	158.60	MANDATORY	24.00	25.20	133.40	BM
05/11/2022 07:23	Canteen #16688905 Hold	0.00		158.60	CANTEEN	65.89	91.09	67.51	
05/12/2022 06:38	Canteen Ord#16688905	-65.89	92.71	92.71		0.00	25.20	67.51	BM
05/12/2022 14:20	SPECIAL ACTIVITIES DEBIT	-11.00	81.71	81.71		0.00	25.20	56.51	BM
05/18/2022 07:21	Canteen #16704752 Hold	0.00		81.71	CANTEEN	27.84	53.04	28.67	
05/19/2022 06:08	Canteen Ord#16704752	-27.84	53.87	53.87		0.00	25.20	28.67	BM
05/19/2022 15:57	SPECIAL ACTIVITIES DEBIT	-14.50	39.37	39.37		0.00	25.20	14.17	BM
05/25/2022 07:35	Canteen #16719710 Hold	0.00		39.37	CANTEEN	13.42	38.62	0.75	
05/26/2022 06:21	Canteen Ord#16719710	-13.42	25.95	25.95		0.00	25.20	0.75	BM
05/31/2022 00:48	RESTITUTION- 10CR323	-25.20	0.75	0.75		0.00	0.00	0.75	BM
05/31/2022 23:32	JPAY CREDIT	270.00	270.75	270.75	MANDATORY	54.00	54.00	216.75	BM
06/01/2022 08:22	Canteen #16731119 Hold	0.00		270.75	CANTEEN	39.07	93.07	177.68	
06/01/2022 16:23	XEROX-DEBIT	-0.75	270.00	270.00		0.00	93.07	176.93	BM
06/02/2022 06:14	Canteen Ord#16731119	-39.07	230.93	230.93		0.00	54.00	176.93	BM
06/08/2022 08:13	Canteen #16752170 Hold	0.00		230.93	CANTEEN	23.90	77.90	153.03	
06/09/2022 06:38	Canteen Ord#16752170	-23.90	207.03	207.03		0.00	54.00	153.03	BM
06/09/2022 15:37	SPECIAL ACTIVITIES DEBIT	-11.00	196.03	196.03		0.00	54.00	142.03	BM
06/17/2022 13:36	XEROX-DEBIT	-0.50	195.53	195.53		0.00	54.00	141.53	BM
06/21/2022 16:10	1 INTAKE- UNASSIGNED	4.29	199.82	199.82	MANDATORY	0.86	54.86	144.96	BM

06/22/2022 07:21	Canteen #16780332 Hold	0.00	199.82	CANTEEN	25.71	80.57	119.25	
06/22/2022 11:51	XEROX-DEBIT	-1.00	198.82	198.82	0.00	80.57	118.25	BM
06/23/2022 06:06	Canteen Ord#16780332	-25.71	173.11	173.11	0.00	54.86	118.25	BM
06/27/2022 11:01	POSTAGE-DEBIT	-11.40	161.71	161.71	0.00	54.86	106.85	BM
06/28/2022 15:43	POSTAGE-DEBIT	-27.21	134.50	134.50	0.00	54.86	79.64	BM
06/30/2022 00:47	RESTITUTION- 10CR323	-54.86	79.64	79.64	0.00	0.00	79.64	BM
07/01/2022 23:47	JPAY CREDIT	120.00	199.64	199.64	MANDATORY	24.00	24.00	175.64 BM
07/06/2022 08:46	Canteen #16798874 Hold	0.00	199.64	CANTEEN	50.04	74.04	125.60	
07/06/2022 15:50	Canteen #16800717 Hold	0.00	199.64	CANTEEN	13.97	88.01	111.63	
07/07/2022 06:43	Canteen Ord#16798874	-50.04	149.60	149.60	0.00	37.97	111.63	BM
07/11/2022 09:05	1 CLERK	16.34	165.94	165.94	MANDATORY	3.27	45.71	120.23 BM
07/11/2022 09:05	1 CLERK	3.44	169.38	169.38	MANDATORY	0.69	45.71	123.67 BM
07/11/2022 09:05	1 CLERK	18.92	188.30	188.30	MANDATORY	3.78	45.71	142.59 BM
07/12/2022 16:55	XEROX-DEBIT	-1.25	187.05	187.05	0.00	45.71	141.34	BM
07/13/2022 08:03	Canteen #16823248 Hold	0.00	187.05	CANTEEN	26.89	72.60	114.45	
07/14/2022 06:55	Canteen Ord#16823248	-26.89	160.16	160.16	0.00	45.71	114.45	BM
07/20/2022 08:11	Canteen #16838433 Hold	0.00	160.16	CANTEEN	12.12	57.83	102.33	
07/21/2022 06:15	Canteen Ord#16800717	-13.97	146.19	146.19	0.00	43.86	102.33	BM
07/21/2022 06:19	Canteen Ord#16838433	-12.12	134.07	134.07	0.00	31.74	102.33	BM
07/27/2022 08:01	Canteen #16852062 Hold	0.00	134.07	CANTEEN	16.52	48.26	85.81	
07/28/2022 06:17	Canteen Ord#16852062	-16.52	117.55	117.55	0.00	31.74	85.81	BM
07/29/2022 01:05	RESTITUTION- 10CR323	-31.74	85.81	85.81	0.00	0.00	85.81	BM
07/31/2022 23:37	JPAY CREDIT	120.00	205.81	205.81	MANDATORY	24.00	24.00	181.81 BM
08/03/2022 08:06	Canteen #16866180 Hold	0.00	205.81	CANTEEN	43.26	67.26	138.55	
08/03/2022 15:29	XEROX-DEBIT	-1.00	204.81	204.81	0.00	67.26	137.55	BM
08/04/2022 06:18	Canteen Ord#16866180	-43.26	161.55	161.55	0.00	24.00	137.55	BM

08/04/2022 10:25	1 CLERK	18.92	180.47	180.47	MANDATORY	3.78	27.78	152.69	BM
08/10/2022 07:40	Canteen #16887734 Hold	0.00		180.47	CANTEEN	77.91	105.69	74.78	
08/11/2022 06:20	Canteen Ord#16887734	-77.91	102.56	102.56		0.00	27.78	74.78	BM
08/11/2022 08:39	Ending Balance	0.00	102.56	102.56		0.00	27.78	74.78	

Total Deposits: 842.87
Total Withdrawals: 865.52

Account Information as of 08/11/2022 08:39

Status: ACTIVE	Current Balance: \$102.56	Total Money In Hold: \$0.00
Total Reserved/Encumbered: \$27.78	Available Balance: \$74.78	

Statement Information

Date:Time reflects the transaction date and time of deposits and withdrawals to the account during the statement period.

Description is a brief memorandum describing the transaction.

Tran Amt is the amount of the transaction; deposits are shown as a positive number, withdrawals are shown as a negative number.

Balance is the actual balance of the account. All deposits and withdrawals are added and subtracted from the 'Balance'. If an account has a negative balance an 'Available Balance' will be derived according to AR 200-2.

Available Before W/H is the derived available balance where 50% of deposits are made available when the actual account balance prior to deposit is a negative amount (Ref. AR 200-2). This amount is derived prior to mandatory withholding.

Encumbrances are amounts placed on hold pending further processing by the banking system, such as when a canteen order is posted or a deposit is subject to mandatory garnishment rules. The amount, type of hold, and a total (as of the Date:Time) is reported.

Available Balance shows monies available for withdrawal at the end of the transaction. The time precision for all transactions is to the minute; encumbrance total may duplicate for multiple transactions if the transaction date and time are identical.

FC (Facility Code) is the offender's facility assignment at the date and time the transaction was posted to the account, not the originating source of the transaction.

NOTICE: This statement may not include most recent Withdrawals or Deposits.

Printed 08/11/2022 at 8:39 am by Hallie Beard (hlbeard)