

22-5464

ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUL 18 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

BARNEY ADRIAN DUNLAP — PETITIONER
(Your Name)

VS.

DAVID MITCHELL — 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):

All State courts, The U.S. Court of Appeals, Fourth Circuit.

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: _____

a copy of the order of appointment is appended.

RECEIVED

AUG 23 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Barney A. Dunlap
(Signature)

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

I, Barney Dunlap, 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	\$ 30.00	\$ N/A	\$ 30.00	\$ N/A
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 30.00	\$ 0	\$ 30.00	\$ 0

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.C. Depart. of Corr.</u>	<u>Taylorsville, NC.</u>	<u>3-1-2021 to present</u>	<u>\$ 30.00 / 1.00 per day</u>
<u>unemployed</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>
<u>unemployed</u>	<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>	<u>\$ 0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 0</u>

4. How much cash do you and your spouse have? \$ 0

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
<u>Trust account, here Facility 4870</u>	<u>\$ 1,935.00</u>	<u>\$ N/A 0</u>
<u>N/A</u>	<u>\$ 0</u>	<u>\$ N/A 0</u>
<u>N/A</u>	<u>\$ 0</u>	<u>\$ N/A 0</u>

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

Home
Value N/A 0

Other real estate
Value N/A 0

Motor Vehicle #1
Year, make & model N/A
Value 0

Motor Vehicle #2
Year, make & model N/A
Value 0

Other assets
Description N/A NONE
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
<u>I.R.S. cares Act 1,2</u>	\$ 1900.00	\$ N/A
<u>None</u>	\$ N/A	\$ N/A
<u>None</u>	\$ N/A	\$ 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
<u>None</u>	N/A	N/A
<u>None</u>	N/A	N/A
<u>None</u>	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, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0 N/A	\$ N/A
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	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 25.00	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 5.00	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 10.00	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ NA
Life	\$ 0	\$ 0
Health	\$ 5.00 co-pay	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <u>None</u>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify):	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ NA/0	\$ NA
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>None</u>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>None</u>	\$ 0	\$ 0
Total monthly expenses:	<u>\$ 40.00</u>	\$ 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? 0 I do not have enough money to hire an attorney.

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? 0

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.

If this court deems I'm not in forma pauperis, I can pay via money order. The USCA4 found, I was in forma pauperis 9-13-2021 but the payment process had started so the fees were paid in that court. Please advise. I asked the Federal Courts to appoint counsel but my request were denied. See record, trust fund account balance next page.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 14, 2022

Barney A. Dunlap
(Signature)

IBSR140 (60)

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
TRUST FUND ACCOUNT STATEMENT
FACILITY: 4870 - ALEXANDER C.I.
FOR: 08/01/22 - 08/08/22

08/08/22

18:03:16

PAGE 257

ACCT. NAME: DUNLAP, BARNEY A.
BED: JPODE044

ACCT#: 0864594

TYPE: INMATE

ENDING BALANCE 08/08/22 \$ 1,938.85 INCLUDES CANTEEN LIMIT OF \$60.00

BATCH		REFERENCE		FACL	+/-	AMOUNT	BALANCE
DATE	NBR.	TYPE	NUMBER				
08/08/22	042	IJP PAYROLL	20220806IC01	4870	+\$	7.00	\$ 1,938.85
08/04/22	027	CASHLS CANTEEN-I	00109	4870	-\$	3.58	\$ 1,931.85
08/04/22	027	CASHLS CANTEEN-I	00108	4870	-\$	1.05	\$ 1,935.43
08/01/22	077	IJP PAYROLL	20220730IC01	4870	+\$	7.00	\$ 1,936.48
						BEGINNING BALANCE	\$ 1,929.48

THIS STATEMENT SHOWS DEPOSITS AND WITHDRAWALS THAT OCCURRED
BETWEEN 08/01/2022 AT 01:01:01 AND 08/08/2022 AT 18:03:16.

ENDING BALANCE IS THE BALANCE AS OF MONDAY, AUGUST 8, 2022 AT 18:03:16.