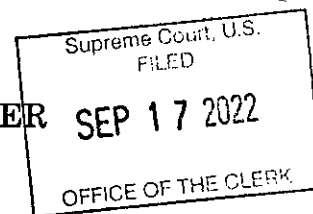


No. **22-5672**

IN THE  
SUPREME COURT OF THE UNITED STATES

LUAN NGUYEN — PETITIONER  
(Your Name)



VS.

UNITED STATES OF AMERICA 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 Eastern District of TEXAS

☐ 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, LUAN NGUYEN, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</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>
<b>Total monthly income:</b>	\$ <u>0</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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u><del>140</del></u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u><del>0</del></u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u><del>0</del></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><del>0</del></u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u><del>0</del></u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u><del>0</del></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>N/A</u>	\$ <u><del>0</del></u>	\$ <u><del>0</del></u>
<u>N/A</u>	\$ <u><del>0</del></u>	\$ <u><del>0</del></u>
<u>N/A</u>	\$ <u><del>0</del></u>	\$ <u><del>0</del></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

☐ Other real estate  
Value N/A

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

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

☐ Other assets  
Description N/A  
Value N/A

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

\$ 0

\$ 0

N/A

\$ 0

\$ 0

N/A

\$ 0

\$ 0

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

N/A

N/A

N/A

N/A

N/A

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, or annually to show the monthly rate.

**You**

**Your spouse**

Rent or home-mortgage payment  
(include lot rented for mobile home)

\$ 0

\$ 0

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	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>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>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>0</u>	\$ <u>0</u>
<b>Total monthly expenses:</b>	\$ <u>0</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.

N/A

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

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

PRO SE

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:

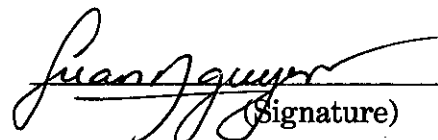
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12. Provide any other information that will help explain why you cannot pay the costs of this case.

Petitioner been incarcerated since 2011.

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

Executed on: Sept 17, 2022

  
(Signature)

# Inmate Statement



Inmate Reg #: 07875078  
 Inmate Name: NGUYEN, LUAN  
 Report Date: 09/13/2022  
 Report Time: 1:29.38 PM

Current Institution: Oakdale FCC  
 Housing Unit: OAK-P-B  
 Living Quarters: P07-419L

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
OAX	8/29/2022 1:28:22 PM	103			Sales	(\$24.65)		\$21.41
OAX	8/22/2022 8:39:42 AM	101			Sales	(\$29.25)		\$46.06
OAX	8/12/2022 2:35:04 PM	TL082022			Pre-Release Transaction		\$25.00	-----
OAX	8/8/2022 8:00:55 AM	53			Sales	(\$59.75)		\$75.31
OAX	8/7/2022 6:06:49 AM	33322219			Western Union	\$100.00		\$135.06
OAX	8/7/2022 6:06:49 AM	33322219			Pre-Release Transaction		(\$25.00)	-----
OAX	8/6/2022 5:10:10 PM	TL082022			Pre-Release Transaction		\$25.00	-----
OAX	8/1/2022 7:43:30 AM	56			Sales	(\$78.20)		\$35.06
OAX	7/31/2022 3:06:36 PM	33322212			Western Union	\$100.00		\$113.26
OAX	7/31/2022 3:06:36 PM	33322212			Pre-Release Transaction		(\$25.00)	-----
OAX	7/19/2022 10:19:11 AM	137			Sales	(\$74.05)		\$13.26
OAX	7/15/2022 5:55:25 PM	TL072022			Pre-Release Transaction		\$25.00	-----
OAX	7/12/2022 9:42:19 AM	91			Sales	(\$77.50)		\$87.31
OAX	7/12/2022 6:08:18 AM	33322193			Western Union	\$100.00		\$164.81
OAX	7/12/2022 6:08:18 AM	33322193			Pre-Release Transaction		(\$25.00)	-----
OAX	7/6/2022 9:00:51 AM	66			Sales	(\$72.35)		\$64.81
OAX	7/5/2022 6:48:21 PM	TL072022			Pre-Release Transaction		\$50.00	-----
OAX	7/5/2022 11:03:54 AM	TL072022			Pre-Release Transaction		(\$25.00)	-----
OAX	7/5/2022 6:08:39 AM	33322186			Western Union	\$100.00		\$137.16
OAX	7/5/2022 6:08:39 AM	33322186			Pre-Release Transaction		(\$25.00)	-----
OAX	6/23/2022 9:38:35 AM	89			Sales	(\$75.80)		\$37.16
OAX	6/22/2022 8:23:49 AM	TL062022			Pre-Release Transaction		\$22.50	-----
OAX	6/22/2022 6:08:17 AM	33322173			Western Union	\$90.00		\$112.96
OAX	6/22/2022 6:08:17 AM	33322173			Pre-Release Transaction		(\$22.50)	-----
OAX	6/16/2022 11:59:12 AM	TL0616			TRUL Withdrawal	(\$10.00)		\$22.96
OAX	6/15/2022 7:42:15 AM	6			Sales	(\$93.55)		\$32.96
OAX	6/15/2022 6:14:11 AM	TL062022			Pre-Release Transaction		\$25.00	-----
OAX	6/14/2022 8:06:47 PM	33322165			Western Union	\$100.00		\$126.51
OAX	6/14/2022 8:06:47 PM	33322165			Pre-Release Transaction		(\$25.00)	-----
OAX	6/12/2022 9:07:22 PM	TL062022			Pre-Release Transaction		\$25.00	-----
OAX	6/8/2022 8:46:08 AM	46			Sales	(\$20.10)		\$26.51
OAX	5/31/2022 1:48:08 PM	260			Sales	(\$21.70)		\$46.61
OAX	5/28/2022 11:36:58 AM	TL0528			TRUL Withdrawal	(\$10.00)		\$68.31
OAX	5/23/2022 7:16:39 AM	21			Sales	(\$21.70)		\$78.31
OAX	5/22/2022 8:06:59 PM	33322142			Western Union	\$100.00		\$100.01
OAX	5/22/2022 8:06:59 PM	33322142			Pre-Release Transaction		(\$25.00)	-----
OAX	5/19/2022 10:43:52 AM	TL0519			TRUL Withdrawal	(\$10.00)		\$0.01
OAX	5/18/2022 1:54:50 PM	TL0518			TRUL Withdrawal	\$0.35		\$10.01
OAX	5/16/2022 10:01:28 AM	114			Sales	(\$20.15)		\$9.66
OAX	5/14/2022 1:03:04 PM	TL052022			Pre-Release Transaction		\$25.00	-----
OAX	5/9/2022 6:32:58 AM	9			Sales	(\$25.25)		\$29.81
OAX	5/7/2022 5:20:20 PM	TL0507			TRUL Withdrawal	(\$5.00)		\$55.06
OAX	5/2/2022 11:28:56 AM	138			Sales	(\$20.85)		\$60.06
OAX	4/30/2022 12:57:03 AM	TL0430			TRUL Withdrawal	(\$5.00)		\$80.91

OAX	PM 4/26/2022 6:48:18 2	Sales	(\$14.30)	\$85.91
OAX	AM 4/25/2022 4:07:18 33322115	Western Union	\$100.00	\$100.21
OAX	PM 4/25/2022 4:07:18 33322115	Pre-Release Transaction	(\$25.00)	-----
OAX	PM 4/19/2022 8:56:55 91	Sales	(\$17.45)	\$0.21
OAX	AM 4/12/2022 8:41:06 58	Sales	(\$24.00)	\$17.66
OAX	AM 4/7/2022 12:16:53 TL042022	Pre-Release Transaction	\$25.00	-----
OAX	PM			

12

Total Transactions: 84

Totals: \$21.20 \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
OAX	\$21.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21.41
<b>Totals:</b>	<b>\$21.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$21.41</b>

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>Natioanl 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$990.00	\$968.70	\$45.90	\$75.31	\$40.37	N/A	N/A