

No. 22-5756

ORIGINAL

Supreme Court, U.S.
FILED

SEP 30 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Adelbert H. Warner, II — PETITIONER
(Your Name)

VS.

C. Rivers, 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):

The U.S. District Court For The Northern District of Texas, in case
number 3:22-cv-00621-G-BK.

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

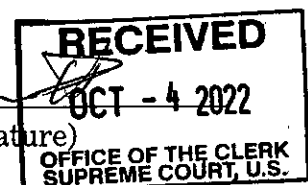
☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ 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.

Adelbert H. Warner, II
(Signature)



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

I, _____, 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>5.10</u>	\$ <u>N/A</u>	\$ <u>20.40</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Interest and dividends	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Gifts	\$ <u>97.50</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Alimony	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Child Support	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Unemployment payments	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Other (specify): <u>None</u>	\$ <u>0</u>	\$ <u>1</u>	\$ <u>0</u>	\$ <u>1</u>
Total monthly income:	\$ <u>102.60</u>	\$ <u>1</u>	\$ <u>20.40</u>	\$ <u>1</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
FBOP Inmate Job	Seagraville, TX	July 2022 to Present	\$ 20.40
			\$
			\$

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? \$ 0.00

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

Financial institution	Type of account	Amount you have	Amount your spouse has
FBOP Trust Fund	Inmate Account	\$ 103.13	\$ 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
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description _____
Value _____

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>N/A</u>	\$ <u>N/A</u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>None</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </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>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		<u> </u>
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u> </u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u> </u>
Food and hygiene supplies	\$ <u>40.00</u>	\$ <u> </u>
Clothing	\$ <u>0</u>	\$ <u> </u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u> </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u> </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u></u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u></u>
Life	\$ <u>0</u>	\$ <u></u>
Health	\$ <u>0</u>	\$ <u></u>
Motor Vehicle	\$ <u>0</u>	\$ <u></u>
Other: <u>None</u>	\$ <u>0</u>	\$ <u></u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>None</u>	\$ <u>0</u>	\$ <u></u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u></u>
Credit card(s)	\$ <u>0</u>	\$ <u></u>
Department store(s)	\$ <u>0</u>	\$ <u></u>
Other: <u>Quarterly Filing Payment (FRP \$25.00)</u>	\$ <u>8.33</u>	\$ <u></u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u></u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u></u>
Other (specify): <u>Legal Filing Expenses</u>	\$ <u>50.00</u>	\$ <u></u>
Total monthly expenses:	\$ <u>98.33</u>	\$ <u></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:

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:

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

Because I am wrongfully imprisoned for offenses I did not commit, my available funds, offset by my expenses are limited to what I earn at my F80P inmate job, and what my mother, Nancy Crabtree, and sister, Marlana Heitz send me to help me fight for justice and to regain my freedom, and by needed commissary items. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 28, 2022

Adrian W. [Signature]

(Signature)

Date: 09/28/2022
Time: 08:10:09 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$103.13				
Date	Reference #	Transaction Type	Sender Last name	Amount
09/26/2022	TL0926	TRUL Withdrawal		-\$5.00
09/12/2022	TL0912	TRUL Withdrawal		-\$2.00
09/12/2022	39	Sales		-\$74.60
09/10/2022	70166801	Lockbox - CD	CRABTREE	\$35.00
09/08/2022	XFRP0922	FRP Quarterly Pymt		-\$25.00
09/08/2022	XIPP0822	Payroll - IPP		\$20.40
09/08/2022	XIPP0822	Pre-Release Transaction		\$0.00
09/06/2022	TL0906	TRUL Withdrawal		-\$2.00
09/06/2022	3332249	Western Union	HEITZ	\$150.00

Inmate #: 13604040

Date: 08/04/2022
Time: 03:59:45 PM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
07/11/2022	74	Sales		-\$149.65
07/11/2022	2925	SPO - Released		\$149.65
07/11/2022	70162403	Lockbox - CD	CRABTREE	\$35.00
07/08/2022	TL072022	Pre-Release Transaction		\$70.40
07/08/2022	XFSA0622	Payroll - FSA		\$50.00
07/08/2022	XFSA0622	Pre-Release Transaction		-\$50.00
07/08/2022	XIPP0622	Payroll - IPP		\$20.40
07/08/2022	XIPP0622	Pre-Release Transaction		-\$20.40
07/05/2022	14	Sales		-\$28.80

Inmate #: 13604040

Date: 09/03/2022
Time: 06:48:58 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$6.33				
Date	Reference #	Transaction Type	Sender Last name	Amount
08/30/2022	12	Sales		-\$26.70
08/20/2022	TL0820	TRUL Withdrawal		-\$2.00
08/17/2022	70165101	Lockbox - CD	CRABTREE	\$35.00
08/15/2022	TL0815	TRUL Withdrawal		-\$2.00
08/15/2022	TL0815	TRUL Withdrawal		\$1.25
08/15/2022	TL0815	TRUL Withdrawal		-\$2.00
08/15/2022	29	Sales		-\$3.90
08/15/2022	28	Sales		-\$3.90
08/15/2022	27	Sales		-\$57.85
08/13/2022	33322225	Western Union	HEITZ	\$50.00
08/08/2022	TL0808	TRUL Withdrawal		-\$2.00
08/08/2022	XIPP0722	Payroll - IPP		\$20.40
08/08/2022	XIPP0722	Pre-Release Transaction		\$0.00
08/01/2022	TL0801	TRUL Withdrawal		-\$2.00
08/01/2022	TL0801	TRUL Withdrawal		\$0.10
08/01/2022	TL0801	TRUL Withdrawal		\$0.65
08/01/2022	32	Sales		-\$7.80

Inmate #: 13604040

Date: 08/04/2022
Time: 03:31:15 PM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
06/24/2022	3079	Govt Doc Required		-\$2.00
06/24/2022	3079	BP 199 Request - Released		\$2.00
06/22/2022	3079	BP 199 Request		-\$2.00
06/21/2022	TL0621	TRUL Withdrawal		-\$5.00
06/21/2022	35	Sales		-\$39.75
06/19/2022	33322170	Western Union	HEITZ	\$50.00
06/19/2022	70161102	Lockbox - CD	CRABTREE	\$35.00
06/13/2022	TL0613	TRUL Withdrawal		-\$2.00
06/13/2022	TL0613	TRUL Withdrawal		\$1.40
06/08/2022	TL0608	TRUL Withdrawal		-\$2.00
06/08/2022	XFRP0622	FRP Quarterly Pymt		-\$25.00
06/07/2022	2925	SPO		-\$149.65
06/07/2022	21	Sales		-\$12.25

Inmate #: 13604040

Date: 08/04/2022
Time: 02:52:20 PM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
05/23/2022	112	Sales		-\$21.55
05/22/2022	TL0522	TRUL Withdrawal		-\$2.00
05/21/2022	33322141	Western Union	HEITZ	\$50.00
05/21/2022	TL0521	TRUL Withdrawal		-\$2.00
05/20/2022	TL0520	TRUL Withdrawal		-\$15.00
05/14/2022	TL0514	TRUL Withdrawal		-\$5.00
05/09/2022	124	Sales		-\$4.05
05/09/2022	112	Sales		\$0.00
05/09/2022	70158303	Lockbox - CD	CRABTREE	\$35.00

Inmate #: 13604040

Date: 08/04/2022
Time: 09:52:36 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
03/24/2022	XICP0322	Inmate Co-pay		-\$2.00
03/18/2022	TL0318	TRUL Withdrawal		-\$5.00
03/17/2022	8	Sales		-\$38.70
03/11/2022	70154201	Lockbox - CD	CRABTREE	\$35.00
03/09/2022	65	Sales		-\$30.45
03/08/2022	XFRP0322	FRP Quarterly Pymt		-\$25.00
03/02/2022	33322061	Western Union	HEITZ	\$50.00

Inmate #: 13604040

Date: 08/04/2022
Time: 10:11:06 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
04/22/2022	76	Sales		-\$42.30
04/16/2022	TL0416	TRUL Withdrawal		-\$2.00
04/11/2022	84	Sales		-\$64.85
04/07/2022	70156101	Lockbox - CD	CRABTREE	\$35.00
04/06/2022	TL0406	TRUL Withdrawal		-\$5.00
04/05/2022	33322095	Western Union	HEITZ	\$75.00

Inmate #: 13604040

Date: 08/04/2022
Time: 09:36:38 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
02/28/2022	81	Sales		-\$15.25
02/17/2022	95	Sales		-\$44.95
02/16/2022	TL0216	TRUL Withdrawal		-\$2.00
02/16/2022	33322047	Western Union	HEITZ	\$75.00
02/13/2022	70152402	Lockbox - CD	CRABTREE	\$35.00

Inmate #: 13604040

Date: 08/04/2022
Time: 09:16:23 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$0.03				
Date	Reference #	Transaction Type	Sender Last name	Amount
01/25/2022	110	Sales		-\$31.00
01/11/2022	70150101	Lockbox - CD	CRABTREE	\$35.00
01/06/2022	27	Sales		-\$7.55

Date: 12/29/2021
Time: 12:16:02 PM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$130.18				
Date	Reference #	Transaction Type	Sender Last name	Amount
12/27/2021	44	Sales		-\$17.20
12/22/2021	TL1222	TRUL Withdrawal		-\$5.00
12/17/2021	TL1217	TRUL Withdrawal		-\$5.00
12/16/2021	94	Sales		-\$4.50
12/16/2021	41	Sales		-\$4.40
12/15/2021	TL1215	TRUL Withdrawal		-\$5.00
12/14/2021	70148201	Lockbox - CD	CRABTREE	\$40.00
12/09/2021	TL1209	TRUL Withdrawal		-\$2.00
12/09/2021	36	Sales		-\$38.45
12/08/2021	XFRP1221	FRP Quarterly Pymt		-\$25.00
12/03/2021	TL1203	TRUL Withdrawal		-\$2.00
12/01/2021	TL1201	TRUL Withdrawal		-\$2.00
11/29/2021	33321333	Western Union	HEITZ	\$50.00

Inmate #: 13604040

Inmate #: 13604040

Date: 12/29/2021
Time: 11:47:49 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$130.18				
Date	Reference #	Transaction Type	Sender Last name	Amount
11/23/2021	175	Sales		-\$20.45
11/22/2021	33321326	Western Union	HEITZ	\$125.00
11/19/2021	TL1119	TRUL Withdrawal		-\$2.00
11/18/2021	39	Sales		-\$40.80
11/11/2021	70146201	Lockbox - CD	CRABTREE	\$35.00
11/10/2021	37	Sales		-\$25.30
11/07/2021	TL1107	TRUL Withdrawal		-\$2.00
11/07/2021	33321311	Western Union	HEITZ	\$75.00
11/04/2021	28	Sales		-\$20.40
11/02/2021	TL1102	TRUL Withdrawal		-\$2.00
10/31/2021	TL1031	TRUL Withdrawal		-\$2.00

Date: 12/29/2021
Time: 10:58:38 AM

Location: SEA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 13604040 Inmate Name: WARNER, ADELBERT HAROLD II Available Balance: \$130.18				
Date	Reference #	Transaction Type	Sender Last name	Amount
10/21/2021	TL1021	TRUL Withdrawal		-\$2.00
10/21/2021	25	Sales		-\$12.85
10/08/2021	133	Sales		-\$55.50
10/07/2021	TL1007	TRUL Withdrawal		-\$5.00
10/07/2021	70143801	Lockbox - CD	CRABTREE	\$30.00
10/01/2021	33321274	Western Union	HEITZ	\$50.00

Inmate #: 13604040

Inmate #: 13604040