

CASE No. _____

In The Supreme Court of the United States

CLARK WESLEY BETTS, JR.

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eighth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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Petitioner Clark Wesley Betts, Jr. respectfully moves for leave to proceed *in forma pauperis* in this matter. Petitioner was previously granted leave to proceed *in forma pauperis* on appeal by the district court. The district court's order was entered December 2, 2021, at Docket Entry 24. Additionally, Petitioner has provided an affidavit in support of his indigency. Finally, undersigned counsel represents that he has not been paid by any person to represent Petitioner in this Court.

Respectfully submitted,

/s/Brandon Sample

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Counsel for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CLARK WESLEY BETTS, Jr.,)	Case No. 4:20-cv-00097-SMR-CFB-1
)	
Movant,)	
)	
v.)	ORDER ON MOVANT’S MOTION TO
)	PROCEED IN FORMA PAUPERIS
UNITED STATES OF AMERICA)	
)	
Respondent.)	
)	
)	

Movant Clark Wesley Betts, Jr. filed a § 2255 Motion to Vacate, Set Aside, or Correct Sentence on March 17, 2020. [ECF No. 1]. The Court denied Movant’s Motion on July 20, 2021. [ECF No. 19]. On September 20, 2021, Movant appealed the Court’s denial of his motion to the United States Court of Appeals for the Eighth Circuit. [ECF No. 21]. He filed a Motion for Leave to Proceed In Forma Pauperis during the appeal on the same date. [ECF No. 22]. For the reasons below, Movant’s Motion to Proceed In Forma Pauperis is GRANTED.

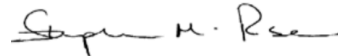
A court can allow a party to begin an action “without prepayment of fees or security” if the party submits an affidavit that shows he or she cannot “pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). “The in forma pauperis statute . . . is designed to ensure ‘that indigent persons will have equal access to the judicial system.’” *Lee v. McDonald’s Corp.*, 231 F.3d 456, 458 (8th Cir. 2000) (citation omitted). Thus, “in forma pauperis status does not require a litigant to demonstrate absolute destitution.” *Id.* at 459. The decision to grant in forma pauperis status “is within the sound discretion of the trial court.” *Greaser v. Mo. Dep’t of Corrs.*, 145 F.3d 979, 985 (8th Cir. 1998) (citation omitted).

Movant's affidavit states he has no monthly income through pay or wages. [ECF No. 22 at 1]. He attests that he receives no money from any other sources. *Id.* He further maintains that he has no money in his checking or savings account and has no assets of value, such as a car. *Id.* at 2. Movant also attached his inmate statement to his motion, which demonstrates he has limited resources. *Id.* at 3–7. Finally, Movant asserts that he owes a \$25 per quarter assessment fee. *Id.* at 2. Movant's month expenses exceed his monthly income. *See generally* [ECF No. 22]. Thus, he is indigent and entitled to proceed In Forma Pauperis. *See* 28 U.S.C. § 1915.

For the reasons discussed above, Plaintiff's Motion, [ECF No. 2], is GRANTED.

IT IS SO ORDERED.

Dated this 2nd day of December, 2021.



STEPHANIE M. ROSE, JUDGE
UNITED STATES DISTRICT COURT

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

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

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u> </u>
Recreation, entertainment, newspapers, magazines, etc	\$ <u>N/A</u>	\$ <u> </u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u> </u>
Life	\$ <u>N/A</u>	\$ <u> </u>
Health	\$ <u>N/A</u>	\$ <u> </u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u> </u>
Other. _____	\$ <u>N/A</u>	\$ <u> </u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u> </u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u> </u>
Credit card(s)	\$ <u>N/A</u>	\$ <u> </u>
Department store(s)	\$ <u>N/A</u>	\$ <u> </u>
Other: _____	\$ <u>N/A</u>	\$ <u> </u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u> </u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u> </u>
Other (specify) _____	\$ <u>N/A</u>	\$ <u> </u>
Total monthly expenses.	\$ <u>0</u>	\$ <u> </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			\$
			\$
			\$

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? \$ 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
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 N/A

☐ Other real estate
Value N/A

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

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

☐ Other assets
Description _____
Value N/A

- | Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|---------------------------------------|--------------------|----------------------------|
| N/A | \$ 0 | |
| | \$ | |
| | \$ | |

- | Name | Relationship | Age |
|------|--------------|-----|
| N/A | | |
| | | |
| | | |

- | | You | Your spouse |
|--|---------------|-------------|
| Rent or home-mortgage payment
(include lot rented for mobile home) | \$ <u>N/A</u> | \$ <u></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>N/A</u> | \$ <u></u> |
| Home maintenance (repairs and upkeep) | \$ <u>N/A</u> | \$ <u></u> |
| Food | \$ <u>N/A</u> | \$ <u></u> |
| Clothing | \$ <u>N/A</u> | \$ <u></u> |
| Laundry and dry-cleaning | \$ <u>N/A</u> | \$ <u></u> |
| Medical and dental expenses | \$ <u>N/A</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? _____

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

FATHER HAS COVERED THIS EXPENSE TO:

BAANDON SAMPLE
SUITE 200
1701 PENNSYLVANIA AVE NW
WASHINGTON, DC 20006-5823

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.

FEDERAL INMATE - NO INCOME, NO SAVINGS, NO ASSETS.

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

Executed on: SEPTEMBER 26TH, 2022



CASE MANAGER

AUTHORIZED BY THE ACT OF JULY 7, 1955.
AS AMENDED, TO ADMINISTER OATHS.
18 U.S.C. 4004



(Signature)