

No. 22-6362

Supreme Court, U.S.
FILED

DEC 07 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CARLOS SANTANA R. GARCIA,
Petitioner,

VS.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONAL DIVISION,
Respondent.

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.

PETITIONER HAS PREVIOUSLY BEEN GRANTED LEAVE TO PROCEED IN FORMA
PAUPERIS IN THE FOLLOWING COURT(S):

United States District Court Northern District of Texas San Angelo
DIVISION, by U.S. District Judge JAMES WESLEY HENDRIX

PETITIONER PROVIDES HIS ONLY COPY OF THE ORDERS ASSOCIATED
WITH IN FORMA PAUPERIS FILINGS ATTACHED HERETO.

PETITIONER'S DECLARATION IN SUPPORT OF THIS MOTION IS ATTACHED
HERETO.

ORIGINAL

Carlos Santana R. Garcia

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CARLOS SANTANA R. GARCIA,
Petitioner,

VS.

BOBBY LUMPKIN Director TEXAS Department of
Criminal Justice, Correctional Institutional Division,
Respondent.

DECLARATION IN SUPPORT OF MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS

I, CARLOS SANTANA R. GARCIA, TDCJ #1317728, in PRO SE,
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 and incarceration in the TEXAS
DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONAL DIVISION,
I AM UNABLE TO PAY the costs of this CASE OR TO GIVE SECURITY
therefor, and I believe I AM ENTITLED to REDRESS.

I declare (or CERTIFY, VERIFY, OR STATE) UNDER PENALTY OF
PERJURY that the foregoing is true and correct. (28 U.S.C. § 1746)

Executed on: December 7, 2022

Carlos Santana R. Garcia

PRO SE, TDCJ #1317728

William P. Clements Unit

9601 SPUR 391

AMARILLO, TEXAS 79101

806-381-7080

AFFIDAVIT OR DECLARATION

IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, CARLOS SANTANA R. GARCIA, 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		AMOUNTS 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>
INTERESTS AND DIVIDENDS	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
GIFTS	\$ <u>30.00</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)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
DISABILITY (such as social security, insurance)	\$ <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>

Total Monthly Income: \$ 30.00 \$ 0 \$ 0 \$ 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>INCARCERATED</u>	<u>Ø</u>	<u>SINCE 2005</u>	<u>Ø</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>NO SPOUSE</u>	<u>Ø</u>	<u>Ø</u>	<u>Ø</u>

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

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

TYPE OF ACCOUNT (checking/saving)	Amount you have	Amount spouse has
<u>NO ACCOUNTS</u>	<u>\$ Ø</u>	<u>\$ Ø</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 NONE

☐ OTHER REAL ESTATE
VALUE NONE

☐ Motor Vehicle #1
YEAR MAKE Model NONE
VALUE NONE

☐ Motor Vehicle #2
YEAR MAKE Model NONE
VALUE NONE

☐ OTHER ASSETS
DESCRIPTION NONE
VALUE NONE

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>0</u>	\$ <u>0</u>
<u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or your spouse for support. For minor children list initials instead of names.

NAME	RELATIONSHIP	AGE
<u>NONE</u>	<u>NONE</u>	<u>NONE</u>
<u>NONE</u>	<u>NONE</u>	<u>NONE</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>0</u>
ARE REAL ESTATE TAXES INCLUDED? ☒ YES ☐ NO N/A		
IS PROPERTY INSURANCE INCLUDED? ☒ YES ☐ NO N/A		

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
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Home maintenance/repairs and upkeep	\$ <u>0</u>	\$ <u>0</u>
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Food	\$ <u>30.00</u>	\$ <u>0</u>
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Clothing	\$ <u>0</u>	\$ <u>0</u>
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Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
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Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>
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	You	Your Spouse
TRANSPORTATION (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
RECREATION, ENTERTAINMENT, NEWSPAPER, MAGAZINE.	\$ <u>0</u>	\$ <u>0</u>
INSURANCE (not deducted from wages or include 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>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>
TOTAL MONTHLY EXPENSES:	\$ <u>30.00</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.

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? NONE

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? NONE

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 COST OF THIS CASE.

I HAVE BEEN INCARCERATED SINCE 2005, I HAVE NOTHING OF MATERIAL VALUE, AS A TEXAS PRISONER OFFENDERS IN TDCJ-CID DO NOT RECEIVE ANY MONATARY PAY FOR WORK, I HAVE NO GUARANTEE THAT I WILL RECEIVE ANY FUNDS IN THE FUTURE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON: DECEMBER 7, 2022

Calvin S. R. Llanos