

No. 22-6426

IN THE
SUPREME COURT OF THE UNITED STATES

Delano Medina — PETITIONER

VS.

Supreme Court, U.S.

FILED

DEC 17 2022

OFFICE OF THE CLERK

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 Court of Appeals for the Tenth Circuit September 28, 2022, Filed No. 21-1300

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: 18 U.S.C. §3006(a); Sixth Amendment guaranteed by the U.S. Constitution and the Bill of Rights. *Gideon v. Wainwright*, 372 U.S. 335, 336 (U.S. March 18, 1963)

A copy of the order of appointment is appended.

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SUPREME COURT, U.S.

(Signature)

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

I, Delano Medina, 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 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>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): <u>N/A</u>	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <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>			\$ _____
			\$ _____
			\$ _____

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>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ None

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>	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

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

D Home
Value N/A

D Other real estate
Value _____

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

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

D 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>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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>N/A</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>	\$ _____
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>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>0</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>0</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

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

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? _____

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.

I am incarcerated and unable to work and generate income while in prison.

I declare under penalty of perjury that the foregoing is true and correct. Executed on: December, 16th 2022.

Delano Melvin



STATEMENT OF ACCOUNT ACTIVITY

129304 - MEDINA, DELANO M

Facility: CTCF, CTCF/CH1

Date/Time Printed: 12/14/2022 10:05 AM



Statement Period: 06/14/2022 - 12/14/2022

Date/Time	Description	Tran Amt	Available Balance	Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
06/14/2022 00:00	Beginning Balance	0.00	-8.22	9.46			7.57	1.89	
06/30/2022 00:27	CHILD SUPPORT-14262562	-0.95	-9.17	8.51		0.00	6.62	1.89	CT
06/30/2022 00:30	CHILD SUPPORT-05651211	-0.95	-10.12	7.56		0.00	5.67	1.89	CT
06/30/2022 00:32	FILING FEES-19CV576	-3.78	-13.90	3.78		0.00	1.89	1.89	CT
06/30/2022 00:40	RESTITUTION-04CR418	-1.89	-15.79	1.89		0.00	0.00	1.89	CT
07/01/2022 15:49	POSTAGE-DEBIT	-1.76	-17.55	0.13		0.00	0.00	0.13	CT
07/11/2022 08:52	2 STUDENT SUPPORT-14262562	18.92	1.37	1.37	MANDATORY	7.57	7.57	-6.20	CT
07/14/2022 16:51	XEROX-DEBIT	-1.25	0.12	0.12		0.00	7.57	-7.45	CT
07/18/2022 15:27	XEROX-DEBIT	-6.25	-6.13	0.00		0.00	7.57	-7.57	CT
07/28/2022 15:07	POSTAGE-DEBIT	-0.24	-6.37	0.00		0.00	7.57	-7.57	CT
07/29/2022 00:36	CHILD SUPPORT-14262562	-0.95	-7.32	0.00		0.00	6.62	-6.62	CT
07/29/2022 00:42	CHILD SUPPORT-05651211	-0.95	-8.27	0.00		0.00	5.67	-5.67	CT
07/29/2022 00:46	FILING FEES-19CV576	-3.78	-12.05	0.00		0.00	1.89	-1.89	CT
07/29/2022 00:56	RESTITUTION-04CR418	-1.89	-13.94	0.00		0.00	0.00	0.00	CT
08/04/2022 10:24	2 STUDENT SUPPORT-14262562	18.06	4.12	4.12	MANDATORY	7.22	7.22	-3.10	CT
08/08/2022 15:48	XEROX-DEBIT	-1.75	2.37	2.37		0.00	7.22	-4.85	CT
08/08/2022 15:49	XEROX-DEBIT	-2.00	0.37	0.37		0.00	7.22	-6.85	CT
08/12/2022 12:56	POSTAGE-DEBIT	-1.68	-1.31	0.00		0.00	7.22	-7.22	CT
08/31/2022 00:17	CHILD SUPPORT-14262562	-0.90	-2.21	0.00		0.00	6.32	-6.32	CT
08/31/2022 00:18	CHILD SUPPORT-05651211	-0.90	-3.11	0.00		0.00	5.42	-5.42	CT
08/31/2022 00:20	FILING FEES-19CV576	-3.61	-6.72	0.00		0.00	1.81	-1.81	CT
08/31/2022 00:25	RESTITUTION-04CR418	-1.81	-8.53	0.00		0.00	0.00	0.00	CT
09/01/2022 14:52	XEROX-DEBIT	-1.50	-10.03	0.00		0.00	0.00	0.00	CT
09/01/2022 14:53	XEROX-DEBIT	-2.75	-12.78	0.00		0.00	0.00	0.00	CT
09/14/2022 14:51	PAYROLL - CREDIT	0.84	-11.94	0.42		0.00	0.00	0.42	CT



STATEMENT OF ACCOUNT ACTIVITY

Date/Time	Description	Tran Amt	Balance	Available		Encumbrances		Available		FC
				Bef. W/H	Type	Amount	Total	Balance	FC	
09/14/2022 16:17	2 STUDENT	18.92	6.98	6.98	MANDATORY	7.57	7.57	-0.59	CT	
09/27/2022 16:06	XEROX-DEBIT	-3.00	3.98	3.98		0.00	7.57	-3.59	CT	
09/30/2022 00:16	CHILD	-0.95	3.03	3.03		0.00	6.62	-3.59	CT	
	SUPPORT-14262562									
09/30/2022 00:17	CHILD	-0.95	2.08	2.08		0.00	5.67	-3.59	CT	
	SUPPORT-05651211									
09/30/2022 00:19	FILING FEES-19CV576	-3.78	-1.70	0.00		0.00	1.89	-1.89	CT	
09/30/2022 00:23	RESTITUTION-04CR418	-1.89	-3.59	0.00		0.00	0.00	0.00	CT	
10/10/2022 13:18	POSTAGE-DEBIT	-2.16	-5.75	0.00		0.00	0.00	0.00	CT	
10/17/2022 11:00	STUDENT	18.92	13.17	13.17	MANDATORY	7.57	7.57	5.60	CT	
10/18/2022 11:35	XEROX-DEBIT	-3.00	10.17	10.17		0.00	7.57	2.60	CT	
10/18/2022 11:36	XEROX-DEBIT	-7.00	3.17	3.17		0.00	7.57	-4.40	CT	
10/18/2022 11:36	XEROX-DEBIT	-1.00	2.17	2.17		0.00	7.57	-5.40	CT	
10/31/2022 00:16	CHILD	-0.95	1.22	1.22		0.00	6.62	-5.40	CT	
	SUPPORT-14262562									
10/31/2022 00:17	CHILD	-0.95	0.27	0.27		0.00	5.67	-5.40	CT	
	SUPPORT-05651211									
10/31/2022 00:19	FILING FEES-19CV576	-3.78	-3.51	0.00		0.00	1.89	-1.89	CT	
10/31/2022 00:23	RESTITUTION-04CR418	-1.89	-5.40	0.00		0.00	0.00	0.00	CT	
11/01/2022 12:55	XEROX-DEBIT	-3.00	-8.40	0.00		0.00	0.00	0.00	CT	
11/15/2022 10:10	STUDENT	12.04	3.64	3.64	MANDATORY	4.81	4.81	-1.17	CT	
11/21/2022 23:48	WESTERN UNION	225.00	228.64	228.64	MANDATORY	90.00	94.81	133.83	CT	
	CREDIT									
11/30/2022 00:16	CHILD	-11.85	216.79	216.79		0.00	82.96	133.83	CT	
	SUPPORT-14262562									
11/30/2022 00:18	CHILD	-11.85	204.94	204.94		0.00	71.11	133.83	CT	
	SUPPORT-05651211									
11/30/2022 00:19	FILING FEES-19CV576	-43.36	161.58	161.58		0.00	23.70	137.88	CT	
11/30/2022 00:19	FILING	-4.05	157.53	157.53		0.00	23.70	133.83	CT	
	FEES-20CV01607GPG									
11/30/2022 00:24	RESTITUTION-04CR418	-23.70	133.83	133.83		0.00	0.00	133.83	CT	
11/30/2022 07:01	Canteen #17120334 Hold	0.00	133.83	CANTEEN		35.90	35.90	97.93		
12/01/2022 06:25	Canteen Ord#17120334	-35.90	97.93	97.93		0.00	0.00	97.93	CT	
12/01/2022 09:19	XEROX-DEBIT	-4.00	93.93	93.93		0.00	0.00	93.93	CT	
12/01/2022 09:21	XEROX-DEBIT	-2.50	91.43	91.43		0.00	0.00	91.43	CT	
12/05/2022 14:02	Canteen #17134725 Hold	0.00	91.43	CANTEEN		45.81	45.81	45.62		
12/07/2022 06:38	Canteen #17142684 Hold	0.00	91.43	CANTEEN		30.75	76.56	14.87		
12/08/2022 06:21	Canteen Ord#17142684	-30.75	60.68	60.68		0.00	45.81	14.87	CT	
12/09/2022 15:19	STUDENT	18.92	79.60	79.60	MANDATORY	7.57	53.38	26.22	CT	



STATEMENT OF ACCOUNT ACTIVITY

Date:Time	Description	Tran Amt	Available Balance	Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
12/13/2022 06:24	Canteen Ord#17134725	-45.81	33.79	33.79		0.00	7.57	26.22	CT
12/14/2022 23:58	Ending Balance	0.00	33.79	33.79		0.00	7.57	26.22	

Total Deposits: 331.62

Total Withdrawals: 289.61

Account Information as of 12/14/2022 10:04

Status: ACTIVE

Current Balance: \$33.79

Total Money In Hold: \$0.00

Total Reserved/Encumbered: \$7.57

Available Balance: \$26.22

Statement Information

Date:Time	reflects the transaction date and time of deposits and withdrawals to the account during the statement period.
Description	is a brief memorandum describing the transaction.
Tran Amt	is the amount of the transaction; deposits are shown as a positive number, withdrawals are shown as a negative number.
Balance	is the actual balance of the account. All deposits and withdrawals are added and subtracted from the 'Balance'. If an account has a negative balance an 'Available Balance' will be derived according to AR 200-2.
Available Before W/H	is the derived available balance where 50% of deposits are made available when the actual account balance prior to deposit is a negative amount (Ref. AR 200-2). This amount is derived prior to mandatory withholding.
Encumbrances	are amounts placed on hold pending further processing by the banking system, such as when a canteen order is posted or a deposit is subject to mandatory garnishment rules. The amount, type of hold, and a total (as of the Date:Time) is reported.
Available Balance	shows monies available for withdrawal at the end of the transaction. The time precision for all transactions is to the minute; encumbrance total may duplicate for multiple transactions if the transaction date and time are identical.
FC	(Facility Code) is the offender's facility assignment at the date and time the transaction was posted to the account, not the originating source of the transaction.

NOTICE: This statement may not include most recent Withdrawals or Deposits.

Printed and Certified by Julie Russell, CDOC Legal Assistant

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