

22-6674

No. 22-6900

ORIGINAL

2:21-cv-00454

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JAN 20 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Antonio Collins — PETITIONER
(Your Name)--

VS.

Shelby Searls — 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):

Kanawha County Circuit Court; Supreme Court of Appeals of West Virginia;
United States Court of Appeals for the Fourth Circuit

☐ 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.

Antonio Collins

(Signature)

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

I, Antonio Collins, 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>
Total monthly income:	\$ <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
N/A	N/A	N/A	\$ 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	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$
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
N/A	N/A	\$ N/A	\$ 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 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model 0
Value 0

☐ Motor Vehicle #2
Year, make & model 0
Value 0

☐ Other assets
Description 0
Value 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>2</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>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>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.

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.

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

Executed on: January 18, , 2023

Antônio Colares

(Signature)

01/17/2023

**Huttonsville Correctional Center and
Jail/Huttonsville Work Camp
Resident Statement**

Resident Name: Collins, Antonio Quentez

Resident ID: 3535265

Housing Location: Huttonsville, D, 009, 309, 001, TC

Date Range:

12/09/2022 Through 01/18/2023

Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
FF Remaining Balance	\$0.00	\$200.00	\$0.00
Legal Postage	\$0.00	\$7.68	\$0.00
Savings - Mandatory	\$734.50	\$0.00	\$0.00
Savings - Voluntary	\$80.00	\$0.00	\$0.00
Trust Fund	\$322.09	\$0.00	\$0.00
Begin Totals	\$1,136.59	\$207.68	\$0.00

Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
FF Remaining Balan	\$0.00	\$200.00	\$0.00
Legal Postage	\$0.00	\$7.68	\$0.00
Savings - Mandatory	\$768.70	\$0.00	\$0.00
Savings - Voluntary	\$80.00	\$0.00	\$0.00
Trust Fund	\$473.58	\$0.00	\$0.00
End Totals	\$1,322.28	\$207.68	\$0.00

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
12/09/2022	\$50.00	Resident Deposit	Non-Work Crew Pay Nov 1 2022 12:00AM through Nov 30 2022 12:00AM	\$50.00	\$1,186.59	\$0.00	\$207.68	\$0.00	\$0.00
12/15/2022	(\$15.00)	Transfer Other Funds	GTL Tablet Fees	(\$15.00)	\$1,171.59	\$0.00	\$207.68	\$0.00	\$0.00
12/15/2022	\$22.00	Resident Deposit	Depositor: Sheffler, Courtney	\$22.00	\$1,193.59	\$0.00	\$207.68	\$0.00	\$0.00
12/15/2022	\$100.00	Resident Deposit	Depositor: Smith, Michele	\$100.00	\$1,293.59	\$0.00	\$207.68	\$0.00	\$0.00
12/17/2022	\$20.00	Resident Deposit	Depositor: Sheffler, Courtney	\$20.00	\$1,313.59	\$0.00	\$207.68	\$0.00	\$0.00
12/18/2022	(\$56.66)	Sale	Debit Sale	(\$56.66)	\$1,256.93	\$0.00	\$207.68	\$0.00	\$0.00
12/19/2022	\$1.00	Sale	Credit Sale	\$1.00	\$1,257.93	\$0.00	\$207.68	\$0.00	\$0.00
12/22/2022	(\$20.00)	Transfer Other Funds	GTL Tablet Fees	(\$20.00)	\$1,237.93	\$0.00	\$207.68	\$0.00	\$0.00
12/24/2022	(\$10.00)	Transfer Other Funds	GTL Phone	(\$10.00)	\$1,227.93	\$0.00	\$207.68	\$0.00	\$0.00
12/26/2022	\$100.00	Resident Deposit	Depositor: Jessup , Kimberly	\$100.00	\$1,327.93	\$0.00	\$207.68	\$0.00	\$0.00
12/27/2022	(\$20.00)	Transfer Other Funds	GTL Tablet Fees	(\$20.00)	\$1,307.93	\$0.00	\$207.68	\$0.00	\$0.00
01/05/2023	(\$0.60)	Transfer Other Funds	Postage	(\$0.60)	\$1,307.33	\$0.00	\$207.68	\$0.00	\$0.00
01/08/2023	(\$25.03)	Sale	Debit Sale	(\$25.03)	\$1,282.30	\$0.00	\$207.68	\$0.00	\$0.00
01/13/2023	\$50.00	Resident Deposit	Non-Work Crew Pay Dec 1 2022 12:00AM through Dec 31 2022 12:00AM	\$50.00	\$1,332.30	\$0.00	\$207.68	\$0.00	\$0.00

3535265

Collins, Antonio Quentez

Huttonsville

01/17/2023

01/15/2023	(\$10.02) Sale	Debit Sale	(\$10.02)	\$1,322.28	\$0.00	\$207.68	\$0.00	\$0.00
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