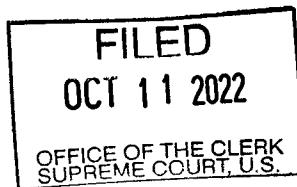


ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Charles Clearwater PETITIONER
(Your Name)

VS.

Warden K. Bennett — 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*.

Petitioner has previously been granted leave to proceed
in forma pauperis in the following court(s):

United States District Court
8th District of South DAKOTA

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

Petitioners 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.


(Signature)
Charles Clearwater

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

I, Charles W Clewster, 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>21.00</u>	\$ <u>N/A</u>	\$ <u>21.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ " "	\$ <u>N/A</u>	\$ " "
Income from real property (such as rental income)	\$ " "	\$ " "	\$ " "	\$ " "
Interest and dividends	\$ " "	\$ " "	\$ " "	\$ " "
Gifts	\$ " "	\$ " "	\$ " "	\$ " "
Alimony	\$ " "	\$ " "	\$ " "	\$ " "
Child Support	\$ " "	\$ " "	\$ " "	\$ " "
Retirement (such as social security, pensions, annuities, insurance)	\$ " "	\$ " "	\$ " "	\$ " "
Disability (such as social security, insurance payments)	\$ " "	\$ " "	\$ " "	\$ " "
Unemployment payments	\$ " "	\$ " "	\$ " "	\$ " "
Public-assistance (such as welfare)	\$ " "	\$ " "	\$ " "	\$ " "
Other (specify): _____	\$ " "	\$ " "	\$ " "	\$ " "
Total monthly income:	\$ <u>21.00</u>	\$ " "	\$ <u>21.00</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
BOP	FPC Yankton	7-19	\$ 21.00
			\$
			\$

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? \$ N/A
 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
	\$	\$
	\$	\$
	\$	\$

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 N/A
 Value _____

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

Other assets
 Description N/A
 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

N/A

Amount owed to you

\$ N/A
\$ _____
\$ _____

Amount owed to your spouse

\$ N/A
\$ _____
\$ _____

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
N/A

Relationship
N/A

Age
N/A

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)

\$ N/A

\$ N/A

Are real estate taxes included? Yes No
Is property insurance included? Yes No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

Home maintenance (repairs and upkeep)

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

Food

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

Clothing

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

Laundry and dry-cleaning

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

Medical and dental expenses

\$ 11 " 11 " 11 " 11 "

\$ 11 " 11 " 11 " 11 "

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>1</u>	\$ <u>1</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>1</u>	\$ <u>1</u>
Life	\$ <u>1</u>	\$ <u>1</u>
Health	\$ <u>1</u>	\$ <u>1</u>
Motor Vehicle	\$ <u>1</u>	\$ <u>1</u>
Other: _____	\$ <u>1</u>	\$ <u>1</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>1</u>	\$ <u>1</u>
Installment payments		
Motor Vehicle	\$ <u>1</u>	\$ <u>1</u>
Credit card(s)	\$ <u>1</u>	\$ <u>1</u>
Department store(s)	\$ <u>1</u>	\$ <u>1</u>
Other: _____	\$ <u>1</u>	\$ <u>1</u>
Alimony, maintenance, and support paid to others	\$ <u>1</u>	\$ <u>1</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>1</u>	\$ <u>1</u>
Other (specify): _____	\$ <u>1</u>	\$ <u>1</u>
Total monthly expenses:	\$ <u>1</u>	\$ <u>1</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:

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 a federal inmate that makes \$21.00 a month

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

Executed on: 12-14, 2022


(Signature)

UNITED STATES DISTRICT COURT

PRISONER TRUST ACCOUNT REPORT

Name Charles Clearwater
Registration#: 29411-031

Please submit this to the trust officer of every institution in which you have been confined during the preceding six months. Submit the completed forms and supporting ledger sheets to the Court.

To: Trust Officer

Please complete this form, attach the supporting ledger sheets, and return these documents to the prisoner.

BALANCE at time of filing of the action:

\$122.98

AVERAGE MONTHLY DEPOSITS during the six months prior to filing of the action:

\$1120.33

AVERAGE MONTHLY BALANCE during the six months prior to filing of the action:

436.55

I certify that the above information accurately states the deposits and balances in applicant's trust fund account for the period shown and that the attached ledger sheets are true copies of account records maintained in the ordinary course of business.

Date: 12/14/22

Authorized Signature:

AK

Title:

Trust Fund Supervisor

Date: 12/14/2022

Time: 9:06:24 AM

Federal Bureau of Prisons

TRUFACS

Inmate Statement

Sensitive But Unclassified

Facility: YAN

General Information

Inmate Reg#:	29411031	Living Quarter:	D03-016U
Inmate Name:	CLEARWATER, CHARLES WESLEY	Arrived From:	OKL
Current Site Name:	Yankton FPC	Transferred To:	
Housing Unit:	YAN-D-A	Account Creation Date:	7/3/2019

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
YAN	06/14/2022 06:11:22 AM	7			Sales	(\$34.00)		\$1,164.16
YAN	06/21/2022 06:57:24 AM	373			BP 199 Request		(\$400.00)	
YAN	06/21/2022 11:25:49 AM	101			Sales	(\$2.95)		\$1,161.21
YAN	06/22/2022 06:22:29 AM	14			Sales	(\$50.60)		\$1,110.61
YAN	06/23/2022 12:13:37 PM	373			BP 199 Request - Released		\$400.00	
YAN	06/23/2022 12:13:37 PM	373	240		Release Funds	(\$400.00)		\$710.61
YAN	06/28/2022 06:04:51 AM	2			Sales	(\$24.80)		\$685.81
YAN	06/28/2022 11:31:49 AM	113			Sales	(\$2.95)		\$682.86
YAN	07/01/2022 12:20:42 PM	33322182			Western Union	\$130.00		\$812.86
YAN	07/05/2022 11:33:51 AM	103			Sales	(\$2.95)		\$809.91
YAN	07/06/2022 06:03:41 AM	2			Sales	(\$51.65)		\$758.26
YAN	07/06/2022 08:13:41 AM	XIPP0622			Payroll - IPP	\$18.36		\$776.62
YAN	07/11/2022 06:43:36 AM	391			BP 199 Request		(\$400.00)	
YAN	07/12/2022 11:38:47 AM	138			Sales	(\$2.95)		\$773.67
YAN	07/14/2022 06:06:41 AM	2			Sales	(\$42.40)		\$731.27
YAN	07/19/2022 11:29:45 AM	97			Sales	(\$2.95)		\$728.32
YAN	07/26/2022 11:32:24 AM	78			Sales	(\$2.95)		\$725.37
YAN	07/28/2022 06:15:22 AM	6			Sales	(\$79.15)		\$646.22
YAN	08/02/2022 11:37:10 AM	99			Sales	(\$2.95)		\$643.27
YAN	08/08/2022 01:46:32 PM	XIPP0722			Payroll - IPP	\$21.25		\$664.52
YAN	08/09/2022 11:28:21 AM	103			Sales	(\$2.95)		\$661.57
YAN	08/11/2022 03:00:05 AM	391			BP 199 Request - Released		\$400.00	
YAN	08/11/2022 06:06:48 AM	4			Sales	(\$59.40)		\$602.17

Date: 12/14/2022

Time: 9:06:24 AM

Federal Bureau of Prisons

TRUFACS

Inmate Statement

Sensitive But Unclassified

Facility: YAN

General Information

Inmate Reg#:	29411031	Living Quarter:	D03-016U
Inmate Name:	CLEARWATER, CHARLES WESLEY	Arrived From:	OKL
Current Site Name:	Yankton FPC	Transferred To:	
Housing Unit:	YAN-D-A	Account Creation Date:	7/3/2019

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
YAN	08/11/2022 07:00:42 AM	442			BP 199 Request		(\$400.00)	
YAN	08/18/2022 06:06:58 AM	2			Sales	(\$43.20)		\$558.97
YAN	09/01/2022 06:04:51 AM	2			Sales	(\$45.15)		\$513.82
YAN	09/07/2022 02:14:12 PM	XIPP0822			Payroll - IPP	\$39.18		\$553.00
YAN	09/11/2022 03:00:00 AM	442			BP 199 Request - Released		\$400.00	
YAN	09/15/2022 06:06:10 AM	5			Sales	(\$56.30)		\$496.70
YAN	09/20/2022 06:56:45 AM	497			BP 199 Request		(\$400.00)	
YAN	09/22/2022 12:26:02 PM	497			BP 199 Request - Released		\$400.00	
YAN	09/22/2022 12:26:02 PM	497	308		Release Funds	(\$400.00)		\$96.70
YAN	09/29/2022 06:14:15 AM	5			Sales	(\$45.90)		\$50.80
YAN	10/04/2022 12:06:51 PM	33422277			Money Gram	\$130.00		\$180.80
YAN	10/05/2022 08:21:39 AM	YIPP0922			Payroll - IPP	\$36.99		\$217.79
YAN	10/13/2022 06:06:11 AM	3			Sales	(\$69.95)		\$147.84
YAN	10/27/2022 06:07:29 AM	3			Sales	(\$96.25)		\$51.59
YAN	11/03/2022 02:07:06 PM	33322307			Western Union	\$150.00		\$201.59
YAN	11/08/2022 08:07:36 AM	YIPP1022			Payroll - IPP	\$24.99		\$226.58
YAN	11/10/2022 06:18:44 AM	4			Sales	(\$81.65)		\$144.93
YAN	11/10/2022 07:43:17 AM	40			Sales	\$5.20		\$150.13
YAN	11/10/2022 07:43:26 AM	41			Sales	(\$5.20)		\$144.93
YAN	11/21/2022 06:42:46 AM	20			Sales	(\$53.45)		\$91.48
YAN	12/01/2022 06:24:57 AM	8			Sales	(\$37.90)		\$53.58
YAN	12/02/2022 12:07:17 PM	33322336			Western Union	\$150.00		\$203.58
YAN	12/07/2022 11:21:03 AM	YIPP1122			Payroll - IPP	\$21.25		\$224.83

Date: 12/14/2022

Time: 9:06:24 AM

Federal Bureau of Prisons

TRUFACS

Inmate Statement

Sensitive But Unclassified

Facility: YAN

General Information

Inmate Reg#:	29411031	Living Quarter:	D03-016U
Inmate Name:	CLEARWATER, CHARLES WESLEY	Arrived From:	OKL
Current Site Name:	Yankton FPC	Transferred To:	
Housing Unit:	YAN-D-A	Account Creation Date:	7/3/2019

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
YAN	12/08/2022 06:05:16 AM	3			Sales	(\$101.85)		\$122.98
Total Count:		47			Totals:	(\$1,075.18)	\$0.00	

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
YAN	\$122.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$122.98
Totals:	\$122.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$122.98

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max. Balance -Prev. 30 Days	Average Balance- Prev. 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$722.02	\$1,797.20	\$436.55	\$224.83	\$131.67	N/A	N/A