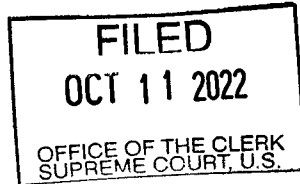


ORIGINAL



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  
8<sup>th</sup> District of South DAKOTA

☒ 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.

  
(Signature)  
Charles Clearwater

---

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

I, Charles W. Clenator, 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>" "</u> | \$ <u>N/A</u>              | \$ <u>" "</u> |
| Income from real property (such as rental income)                    | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Interest and dividends   | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Gifts  | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Alimony  | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Child Support  | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Disability (such as social security, insurance payments)             | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Unemployment payments  | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Public-assistance (such as welfare)                                  | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| Other (specify): _____   | \$ <u>" "</u>                                    | \$ <u>" "</u> | \$ <u>" "</u>              | \$ <u>" "</u> |
| <b>Total monthly income:</b>   | \$ <u>21.00</u>                                  | \$ <u>" "</u> | \$ <u>21.00</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 |
|----------|-------------|---------------------|-------------------|
| 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 N/A  
Value

☐ Other real estate N/A  
Value

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

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

☐ Other assets N/A  
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

N/A

\$ N/A

\$ 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)

\$ // "

\$ // "

Home maintenance (repairs and upkeep)

\$ // "

\$ // "

Food

\$ // "

\$ // "

Clothing

\$ // "

\$ // "

Laundry and dry-cleaning

\$ // "

\$ // "

Medical and dental expenses

\$ // "

\$ // "

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

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: \$120.33

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: 

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       |
| <b>Total Count:</b> |                        | <b>47</b>  |          |          | <b>Totals:</b>   | <b>(\$1,075.18)</b> | <b>\$0.00</b>      |                |

**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        |
| <b>Totals:</b> | <b>\$122.98</b>   | <b>\$0.00</b>       | <b>\$0.00</b>    | <b>\$0.00</b>   | <b>\$0.00</b>     | <b>\$0.00</b>           | <b>\$0.00</b>        | <b>\$122.98</b> |

**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                             |