

22-6710

Supreme Court of the United States

ORIGINAL

Supreme Court, U.S.  
FILED

JAN 16 2023

OFFICE OF THE CLERK

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MOTION TO PROCEED IN FORMA PAUPERIS

COMES NOW Wekesa David, and declares deposes and says that I am the petitioner in the following petition for a writ of certiorari for the Fifth Circuit filed with this Honorable Court. I am respectfully appealing to this Honorable Court for leave to proceed *in forma pauperis*. In support of my motion to proceed without being required to prepay fees, costs, or give security thereof, I state that because of my poverty, I am unable to pay the filing fee or court costs for these proceedings.

I further declare that I am currently incarcerated and my remuneration for voluntary work is a dollar (\$ 1.00) per day. I have attached a copy of my trust fund account history. I have no other source of income or monies.

In both the district court case and in the court of appeals, a leave to proceed *in forma pauperis* was sought and granted in both cases. I declare under penalty of perjury that the foregoing is all correct and true.

WHEREFORE, premises considered, I pray for relief and ask that this Honorable Court grant this motion.

Respectfully submitted,

Wekesa, David.

David

# AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

District Court No. \_\_\_\_\_  
Appeal No. \_\_\_\_\_

v.

| Affidavit in Support of Motion  | Instructions   |
|---|--|
| <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> | <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> |
| <p>Signed: <u>David</u></p>   | <p>Date: <u>01/12/22</u></p>   |

My issues on appeal are:

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   | \$ 30  | \$     | \$ 30                      | \$     |
| Self-employment  | \$   | \$     | \$                         | \$     |
| 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):                    | \$     | \$  | \$  | \$  |
| <b>Total monthly income:</b>        | \$0 30 | \$0 | \$0 | \$0 |

2. List your 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 |
|---------------------|-----------------------------------|-------------------------|-------------------|
| LaSalle Corrections | 1209 Sunflower Lane, Alvarado TX. | APRIL 2022 TO PRESENT   | \$ 30             |
| CoreCivic           | P.O. BOX                          | DEC. 2021 TO APRIL 2022 | \$ 30             |
|                     |                                   |                         | \$                |

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 |
|----------|---------|---------------------|-------------------|
|          |         |                     | \$                |
|          |         |                     | \$                |
|          |         |                     | \$                |

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 |
|-----------------------|-----------------|-----------------|------------------------|
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

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

| Home       | Other real estate | Motor vehicle #1 |
|------------|-------------------|------------------|
| (Value) \$ | (Value) \$        | (Value) \$       |
| N/A        | N/A               | Make and year:   |
|            |                   | Model:           |
|            |                   | Registration #:  |

|                         |                     |                     |
|-------------------------|---------------------|---------------------|
| <b>Motor vehicle #2</b> | <b>Other assets</b> | <b>Other assets</b> |
| (Value) \$              | (Value) \$          | (Value) \$          |
| Make and year:          |                     |                     |
| Model:                  |                     |                     |
| Registration #:         |                     |                     |

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 |
|---------------------------------------|--------------------|----------------------------|
|                                       | \$                 | \$                         |
|                                       | \$                 | \$                         |
|                                       | \$                 | \$                         |
|                                       | \$                 | \$                         |

7. State the persons who rely on you or your spouse for support.

| Name [or, if under 18, initials only] | Relationship | Age |
|---------------------------------------|--------------|-----|
|                                       |              |     |
|                                       |              |     |
|                                       |              |     |

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, semiannually, or annually to show the monthly rate.

|   | You | Your Spouse |
|---|-----|-------------|
| Rent or home-mortgage payment (include lot rented for mobile home)          | \$  | \$          |
| 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   | \$  | \$          |
| Transportation (not including motor vehicle payments)                       | \$  | \$          |
| Recreation, entertainment, newspapers, magazines, etc.                      | \$  | \$          |
| Insurance (not deducted from wages or included in mortgage payments)        |     |             |
| Homeowner's or renters:   | \$  | \$          |
| Life:   | \$  | \$          |
| Health:   | \$  | \$          |
| Motor vehicle:  | \$  | \$          |
| Other:  | \$  | \$          |
| Taxes (not deducted from wages or included in mortgage payments) (specify): | \$  | \$          |

|   |                |             |
|---|----------------|-------------|
| Installment payments  |                |             |
| Motor vehicle:  | \$             | \$          |
| Credit card (name):   | \$             | \$          |
| Department store (name):  | \$             | \$          |
| Other:  | \$             | \$          |
| Alimony, maintenance, and support paid to others  | \$             | \$          |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$             | \$          |
| Other (specify): <u>Mail and hygiene</u>  | \$             | \$          |
| <b>Total monthly expenses:</b>  | <b>\$ 0 20</b> | <b>\$ 0</b> |

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?

☐ Yes ☒ No If yes, how much? \_\_\_\_\_

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I am currently being detained and have been for the past five years.

12. State the city and state of your legal residence: 1209 SUNFLOWER LANE  
 Your daytime phone number: ( ) \_\_\_\_\_  
 Your age: 40 Your years of schooling: 12  
 Last four digits of your social-security number: 1393