

No. 22 - 7265

FILED  
FEB 14 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

ALLEN FRANKS PETITIONER  
(Your Name)

VS.

State of Florida — 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):

U/A

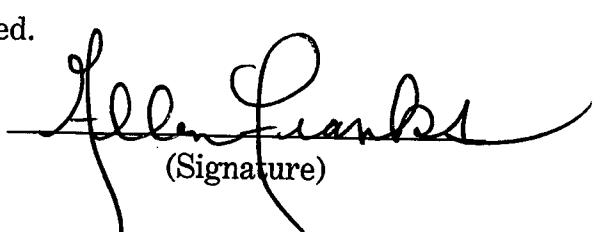
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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: Affidavit of Indigency, or

a copy of the order of appointment is appended.

  
(Signature)

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

I, Allen Franks, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
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>
<b>Total monthly income:</b>	<b>\$ <u>0</u></b>	<b>\$ <u>0</u></b>	<b>\$ <u>0</u></b>	<b>\$ <u>0</u></b>

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>No employment been incarcerated since 10/27/204</u>			
			\$ 0
			\$ 0
			\$ 0

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>Legally Divorced since 2011</u>			
			\$ 0
			\$ 0
			\$ 0

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>	\$ <u>N/A</u>	\$ <u>N/A</u>
	\$ <u>  </u>	\$ <u>  </u>
	\$ <u>  </u>	\$ <u>  </u>

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

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
0	\$ 0	\$ 0
0	\$ 0	\$ 0
0	\$ 0	\$ 0

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
0	0	0
0	0	0
0	0	0

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)	\$ 0	\$ 0
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 0	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: 0	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): 0	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: 0	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): 0	\$ 0	\$ 0
Total monthly expenses: <u>None</u>	\$ 0	\$ 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? 0

If yes, state the attorney's name, address, and telephone number:

W/A

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? 0

If yes, state the person's name, address, and telephone number:

W/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Since that I been incarcerated for the past nine years at age of 82, it is gravely important towards pursuit of justice for review of The Supreme Court.

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

Executed on:

Allen Frankel April 14, 2023

Allen Frankel  
(Signature)

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS  
 TRUST FUND ACCOUNT STATEMENT  
 FOR: 02/01/2023 - 03/24/2023

03/24/23  
 13:49:38  
 PAGE 1

ACCT NAME: FRANKS, ALLEN  
 BED: C2108L  
 PO BOX:

ACCT#: I55977  
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BEGINNING BALANCE 02/01/23	\$163.99
02/06/23	085	CANTEEN SALES	46320230205	000		-	\$19.95	\$144.04	
02/06/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.20	\$143.84	
02/07/23	257	JPAY DEPOSIT	152949961	000	UMPIERREZ, MIRIAM	+	\$60.00	\$203.84	
02/18/23	083	CANTEEN SALES	46320230217	000		-	\$40.48	\$163.36	
02/20/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.40	\$162.96	
02/20/23	191	LEGAL POSTAGE W	2023021401	000		-	\$3.18	\$159.78	
02/20/23	191	LEGAL POSTAGE W	2023021402	000		-	\$3.18	\$156.60	
02/24/23	079	CANTEEN SALES	46320230223	000		-	\$7.10	\$149.50	
02/27/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.07	\$149.43	
02/28/23	083	CANTEEN SALES	46320230227	000		-	\$8.87	\$140.56	
03/04/23	083	CANTEEN SALES	46320230303	000		-	\$47.52	\$93.04	
03/06/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.56	\$92.48	
03/13/23	085	CANTEEN SALES	46320230312	000		-	\$10.87	\$81.61	
03/13/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.11	\$81.50	
03/18/23	085	CANTEEN SALES	46320230317	000		-	\$18.35	\$63.15	
03/20/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$62.97	
03/24/23	085	CANTEEN SALES	46320230323	000		-	\$9.35	\$53.62	
ENDING BALANCE 03/24/23									\$53.62

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS  
 TRUST FUND ACCOUNT STATEMENT  
 FOR: 10/01/2022 - 03/24/2023

03/24/23  
 13:54:18  
 PAGE 2

ACCT NAME: FRANKS, ALLEN  
 BED: C2108L  
 PO BOX:

ACCT#: I55977  
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
02/20/23	191	LEGAL POSTAGE W	2023021401	000		-	\$3.18	\$159.78
02/20/23	191	LEGAL POSTAGE W	2023021402	000		-	\$3.18	\$156.60
02/24/23	079	CANTEEN SALES	46320230223	000		-	\$7.10	\$149.50
02/27/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.07	\$149.43
02/28/23	083	CANTEEN SALES	46320230227	000		-	\$8.87	\$140.56
03/04/23	083	CANTEEN SALES	46320230303	000		-	\$47.52	\$93.04
03/06/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.56	\$92.48
03/13/23	085	CANTEEN SALES	46320230312	000		-	\$10.87	\$81.61
03/13/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.11	\$81.50
03/18/23	085	CANTEEN SALES	46320230317	000		-	\$18.35	\$63.15
03/20/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$62.97
03/24/23	085	CANTEEN SALES	46320230323	000		-	\$9.35	\$53.62

ENDING BALANCE 03/24/23 \$53.62

FLORIDA DEPARTMENT OF CORRECTIONS  
 TRUST FUND ACCOUNT STATEMENT  
 FOR: 10/01/2022 - 03/24/2023

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ACCT NAME: FRANKS, ALLEN  
 BED: C2108L  
 PO BOX:

ACCT#: I55977  
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BEGINNING BALANCE 10/01/22	\$725.11
10/03/22	110	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.25	\$724.86	
10/05/22	085	CANTEEN SALES	46320221004	000		-	\$17.29	\$707.57	
10/10/22	085	CANTEEN SALES	46320221009	000		-	\$25.68	\$681.89	
10/10/22	117	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.43	\$681.46	
10/16/22	085	CANTEEN SALES	46320221015	000		-	\$44.70	\$636.76	
10/17/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.45	\$636.31	
10/23/22	085	CANTEEN SALES	46320221022	000		-	\$32.51	\$603.80	
10/24/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.33	\$603.47	
10/30/22	085	CANTEEN SALES	46320221029	000		-	\$28.41	\$575.06	
10/31/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.28	\$574.78	
11/09/22	085	CANTEEN SALES	46320221108	000		-	\$49.75	\$525.03	
11/13/22	083	CANTEEN SALES	46320221112	000		-	\$20.98	\$504.05	
11/14/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.71	\$503.34	
11/20/22	085	CANTEEN SALES	46320221119	000		-	\$30.27	\$473.07	
11/21/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.30	\$472.77	
11/23/22	085	CANTEEN SALES	46320221122	000		-	\$19.57	\$453.20	
11/24/22	085	CANTEEN SALES	46320221123	000		-	\$9.03	\$444.17	
11/27/22	085	CANTEEN SALES	46320221126	000		-	\$12.46	\$431.71	
11/28/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.41	\$431.30	
12/02/22	083	CANTEEN SALES	46320221201	000		-	\$22.95	\$408.35	
12/05/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.23	\$408.12	
12/08/22	079	CANTEEN SALES	46320221207	000		-	\$19.52	\$388.60	
12/11/22	083	CANTEEN SALES	46320221210	000		-	\$26.96	\$361.64	
12/12/22	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.46	\$361.18	
12/15/22	085	CANTEEN SALES	46320221214	000		-	\$11.61	\$349.57	
12/19/22	085	CANTEEN SALES	46320221218	000		-	\$26.42	\$323.15	
12/19/22	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.38	\$322.77	
12/23/22	085	CANTEEN SALES	46320221222	000		-	\$28.45	\$294.32	
12/26/22	116	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.28	\$294.04	
12/29/22	085	CANTEEN SALES	46320221228	000		-	\$9.49	\$284.55	
12/31/22	085	CANTEEN SALES	46320221230	000		-	\$10.45	\$274.10	
01/01/23	081	CANTEEN SALES	46320221231	000		-	\$17.44	\$256.66	
01/02/23	113	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.37	\$256.29	
01/11/23	085	CANTEEN SALES	46320230110	000		-	\$29.44	\$226.85	
01/16/23	085	CANTEEN SALES	46320230115	000		-	\$15.44	\$211.41	
01/16/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.45	\$210.96	
01/26/23	085	CANTEEN SALES	46320230125	000		-	\$46.50	\$164.46	
01/30/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.47	\$163.99	
02/06/23	085	CANTEEN SALES	46320230205	000		-	\$19.95	\$144.04	
02/06/23	115	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.20	\$143.84	
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