

22-7334

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

DOCKET NUMBER:

FILED

MAR 28 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

In re: United States v. QUINCETTA Y. CARGILL

United States District Court No.: 2:17-cr-00356-RDP-JHE

Direct Appeal Number: 21-13962-E

(Petition for Rehearing) Appeal No.: 22-13587-HH

MOTION TO PROCEED IN FORMA PAUPERIS

The petitioner Quincetta Y. Cargill seeks leave of the Supreme Court of the United States to file Writ of Mandamus without prepayment of costs and to proceed in forma pauperis.

The petitioner has previously been granted leave by the lower courts to proceed in forma pauperis spec. by United States Court of Appeals for the Eleventh Circuit; United States District Court for the Northern District of Alabama (S. Div.); and United States District Court for the Middle District of Alabama (N. Div.).

The petitioner's Affidavit / Declaration of Poverty in support of this motion has been attached.

Quincetta Y. Cargill

IN THE SUPREME COURT OF THE UNITED STATES

In re: United States v. Quincetta Y. Cargill

United States District Court No.: 2:17-cr-00356-BDP-JHE

Direct Appeal Number: 21-13962-E

(Petition for Rehearing) Appeal No.: 22-13587-HH

Declaration of Poverty

IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

( § 1746 Unsworn Declaration Under Penalty of Perjury )

I, Quincetta Y. Cargill, do solemnly swear that my claims of economic hardship, declaration of poverty, and financial depletion are true and honest, and have herein been presented in good faith under penalty of poverty.

I am incarcerated, held and housed in a federal institution as a result of a finding/judgement of guilt as determined by U.S. District Court judge, and where I have entered and maintained a plea of not guilty of the crimes for which I have been convicted, I have used and depleted all available finances available unto me in the quest for justice.

Where the U.S. District Court has imposed a financial restitution in the amount of \$1,096,666.48; and where as an inmate I earn less than \$10.00 per month, I do not foresee the means by which to prepay any costs as are associated with this petition.

Submitted this 15th day of March, 2023.

*Quincetta Y. Cargill*

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

I, Quincetta Cargill, 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>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Self-employment	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Gifts	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Alimony	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Child Support	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>Ø</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
Other (specify): <u>Inmate Incentive pay</u>	\$ <u>5.45</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</u>
<b>Total monthly income:</b>	\$ <u>5.45</u>	\$ <u>NA</u>	\$ <u>Ø</u>	\$ <u>NA</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
NA			\$

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
NA			\$

4. How much cash do you and your spouse have? \$ 0  
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
Inmate Trust Account	\$	\$ 0
	\$	\$
	\$	\$

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

☐ Home  
Value \_\_\_\_\_

☐ Other real estate  
Value \_\_\_\_\_

☐ Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

☐ Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

☐ Other assets  
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**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

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**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

\$ Ø

\$ NA

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ Ø

\$ NA

Home maintenance (repairs and upkeep)

\$ Ø

\$ NA

Food

\$ 5.00

\$ NA

Clothing

\$ Ø

\$ NA

Laundry and dry-cleaning

\$ Ø

\$ NA

Medical and dental expenses

\$ Ø

\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>Ø</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>Ø</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>Ø</u>	\$ <u>NA</u>
Life	\$ <u>Ø</u>	\$ <u>NA</u>
Health	\$ <u>Ø</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>Ø</u>	\$ <u>NA</u>
Other: _____	\$ <u>Ø</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>Ø</u>	\$ <u>NA</u>
Installment payments		
Motor Vehicle	\$ <u>Ø</u>	\$ <u>NA</u>
Credit card(s)	\$ <u>Ø</u>	\$ <u>NA</u>
Department store(s)	\$ <u>Ø</u>	\$ <u>NA</u>
Other: _____	\$ <u>Ø</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ <u>Ø</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>Ø</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>Ø</u>	\$ <u>NA</u>
<b>Total monthly expenses:</b>	\$ <u>5.00</u>	\$ <u>NA</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 an indigent prisoner. I have been restricted from earning any monies above the \$5.45 per month in the institution due to the inability to pay Restitution (I.F.R.P.)*

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

Executed on: April 5, (Fifth), 2023

  
(Signature)