

No. 22 - 7495

FILED
JAN 19 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Rudolfo Gill — PETITIONER
(Your Name)

VS.

Lumpekin, Director TDCJ — 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):

United States District Court Northern District of Texas Lubbock Division
United States Court of Appeals 5th Circuit

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: N/A
_____, or

a copy of the order of appointment is appended.

(Signature)

RECEIVED
APR - 6 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Rudolfo Gili, 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>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <u>0</u>	\$ _____	\$ <u>0</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
N/A			\$
			\$
			\$

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			\$
			\$
			\$

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

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	Amount owed to you	Amount owed to your spouse
none	\$ none	\$ none
	\$ _____	\$ _____
	\$ _____	\$ _____

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

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

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? _____

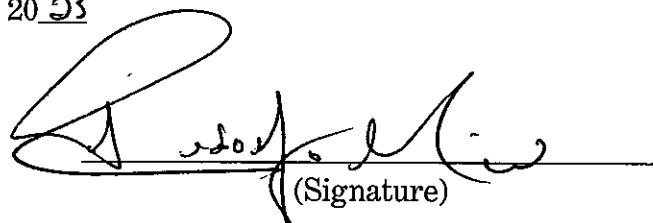
If yes, state the person's name, address, and telephone number:

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

I'm in prison

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

Executed on: this 7th day of February, 2003



(Signature)

IN THE SUPREME COURT OF THE UNITED STATES

Petition for Certiorari
to review a Decision of the
United States Court of
Criminal Appeals for the
Fifth Circuit no 22-10407

§ Motion for Leave to Proceed In forma pauperis
§ and
§ Motion for Appointment of Counsel
§

Now comes forward Petitioner, Rudolfo Gill, as pro se and shows as follows:

Gill is an indigent prisoner incarcerated at the TDCJ, Dalhart Unit in Dalhart, TX, who was convicted by a jury of three counts of sexual assault in Case No DCR-5301-15 in the 154th District Court of Lamb County, Texas, and sentenced to the max of 20 years, as to each count, to be served concurrently plus \$30,000. (Conviction was had on Sept. 13, 2017).

His right to appeal was denied because original judgment signed erroneously reflected that Gill pled guilty to the charges. In order to fix the State's discrepancy, Gill filed a nunc pro tunc, which the Convicting Court forwarded around March 9, 2018.

On September 8, 2018, Gill filed his application for State writ of habeas corpus. On January 9, 2019, the Court of Criminal Appeals of Texas denied the application without written order on the findings of the trial court without a hearing.

On May 17, 2019, Gill signed his federal petition for habeas corpus, no 5:19-cv-101-H, where he asserted thirteen grounds. On January 31, 2022, the U.S. District Court for the Northern District of Texas, Lubbock Division, dismissed said petition.

Around early July 2022, Gill moved the U.S. Court of Criminal Appeals for the Fifth Circuit for a COA, no. 22-10407, which was denied on October 21, 2022.

On this the 19th day of January 2023, Gill timely files a petition for certiorari with this Court, which is to be addressed to the Justice allotted to the Fifth Circuit Court of Criminal Appeals, and requests that this Court grant leave to proceed in forma pauperis (In forma pauperis was formerly granted by both the district court and appeals court without appointment of counsel) and appointment of counsel as per Rule 22, 39.

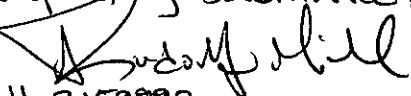
Wherefore, all premises considered, Gill prays that this Court grant these his motions.

OATH and DECLARATION

Gill declares under oath and penalty of perjury that he forwards a true and correct copy of this his motion for leave to proceed in forma pauperis and motion for appointment of counsel together with his petition for certiorari, which is to be addressed to the Justice allotted to the Fifth Circuit Court of Appeals as per Rule 22) on this the 19th day of January, 2023, to the Clerk of this Court (at 1 First Street, N.E Washington) 20543 by sending it via indigent mail.

Attachment X

Respectfully Submitted,


Rudolfo Gill

2159990

11950 FM 998
Dalhart TX 79022

1/19/23