

No. 22-7765

ORIGINAL

FILED

MAY 19 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Michael T. Lenk — PETITIONER
(Your Name)

VS.

The State of Oklahoma — 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):

The Oklahoma Court of Criminal Appeals

☐ 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.

Michael T. Lenk
(Signature)

RECEIVED

JUN 12 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Michael T. Lonk, 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>unk</u>	\$ <u>0</u>	\$ <u>unk</u>
Self-employment	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Interest and dividends	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Gifts	\$ <u>200⁰⁰</u>	\$ <u>/</u>	\$ <u>200⁵⁶</u>	\$ <u>/</u>
Alimony	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Child Support	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Unemployment payments	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>/</u>	\$ <u>0</u>	\$ <u>/</u>
Other (specify): <u>DOC Gang Pay</u>	\$ <u>10.56</u>	\$ <u>/</u>	\$ <u>10⁵⁶</u>	\$ <u>/</u>
Total monthly income:	\$ <u>210⁵⁶</u>	\$ <u>/</u>	\$ <u>210⁵⁶</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
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	\$ <u>n/a</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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>unk</u>	<u>unk</u>	<u>unk</u>	\$ <u>unk</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 0.00

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>None</u>	\$ <u>n/a</u>	\$ <u>n/a</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 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

none

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)

\$ 0.00

\$ unk

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

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

\$ 0.00

\$ unk

Home maintenance (repairs and upkeep)

\$ 0.00

\$ unk

Food

\$ 100

\$ _____

Clothing

\$ 50

\$ _____

Laundry and dry-cleaning

\$ 10

\$ _____

Medical and dental expenses

\$ 50

\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>unk</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>unk</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>unk</u>
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card(s)	\$ <u>0</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____
Total monthly expenses:	\$ <u>210⁰⁰</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? \$7,500 in 2019 for Post-Conviction
and it took four years to save the money.
If yes, state the attorney's name, address, and telephone number:

Terry Truster 918-260-8776
624 S. Denver Ave. Ste 300
Tulsa, OK 74119

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? none

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

Pro-Bono Jailhouse lawyer (Mr. Wensch #828328) is
helping because my family is unable to help pay legal fees

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

My family has exhausted all funds and are unable to
assist any further.

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

Executed on: June 6, 2023

Michael James Lamb
(Signature)

UNITED STATES SUPREME COURT
WASHINGTON DC

AFFIDAVIT OF INDIGENCY

I, **Michal Tanner Lank**, declares, (or certifies, or verifies, or states), under penalty of perjury that he is the Petitioner in the attached certiorari, before this Great and Honorable Court.

I am personally indigent and my family has exhausted all funds in attempts to prove my actual factual innocence. My family is no longer financially capable in assisting me in my legal filings.

I cannot afford to pay the \$300 filing fee with this Honorable Court. Once a filing fee is paid, a pro-se incarcerated litigant accidentally waives their RULE 12 "leniency".

The filed Certiorari is approximately 20 page(s) and this Honorable Court mandates 40 copies in booklet format and an additional copy in the standard 8.5x11. This would cost an additional \$200.00 then 4 additional copies would be mandated to the respondent at an additional cost of \$20.00. For a total of \$520.00 without shipping.¹

The Oklahoma State Reformatory Law Library does not possess the equipment needed to create booklet format as required by the rule(s) of this court, nor does the facility have the required and/or necessary equipment to print the proper size of paper required by the rule(s) of this court. The Oklahoma Department of Corrections will not even supply the mandated paper weight of 60 lbs. which is also required by the rule(s) of this Court.

The Oklahoma Department of Corrections will not undergo the expenditures of mandatory equipment for inmates to comply with this Court's rules and regulations. Therefore, all inmate(s) are forced to complete the pauperis form(s) whether or not they are indigent or have fund(s) available to pay the filing

¹ These number(s) are a calculation from the current Oklahoma Department of Corrections policy regarding printing of 8.5 x 11 which consist of generic copy paper and not the 60-weight paper and specialized size(s). Oklahoma Department of Corrections would charge a significant difference in cost to justify their expense(s).

fee(s) and copies. Thus, the State of Oklahoma stymied all prisoners' efforts in conformity with this Court's rules.

I have attached the mandated *IN FORMA PAUPERS AFFIDAVIT* in conjunction with this affidavit of *INDIGENCY*.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares, (or certifies, or verifies, or states), under penalty of perjury that he is the Appellant in the above complaint action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at the Oklahoma State Reformatory, on the 19 day of May, 2023.

Respectfully Submitted,

/s/ Michael Tanner Lank

Michael Tanner Lank
[OK - DOC # 702745]