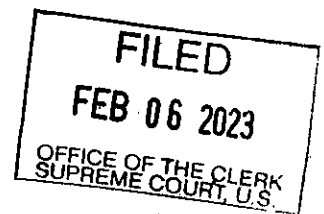


No. **22 - 7885**



IN THE
SUPREME COURT OF THE UNITED STATES

Anthony G. Whitten — PETITIONER
(Your Name)

VS.

Harold W. Clark, Va. Dep. Dir. — 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):

Stafford County Cir. Ct. Va.; Supreme Ct. Va.; U.S. Dist. Ct. (E.D. Va.); U.S. Ct. App. (4th Cir. Va.); Supreme Ct. U.S.

☐ 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
N/A, 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, Anton Whitten, please, 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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</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
Vandoe	Red Onion Street Prison P.O. Box 970	N/A	\$ N/A
N/A	Bund, Va	N/A	\$ N/A
N/A	N/A	N/A	\$ 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	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ N/A
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	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ 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 N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description N/A
Value N/A

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

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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)	\$ <u>N/A</u>	\$ <u>N/A</u>
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)	\$ <u>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>N/A</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>

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

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? N/A

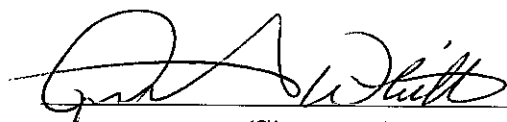
If yes, state the person's name, address, and telephone number:

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

Nearly destitute -- I receive \$5.00 per week at most. Any state Prison pay check that have come when I worked, all funds but \$5.00 was taken to satisfy an outstanding prison restitution bill.

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

Executed on June, 14, 2023



(Signature)



Trust Certificate of Account History

COV\mlw46692
5/16/2023 8:22:26 AM
corissnap

Facility: Red Onion State Prison FG

Inmate: 1138537 Whitten, Antwon

I hereby certify as follows with respect to this inmate's general (trust) account:

From Date: 6/15/2021

To Date: 5/15/2023

Beginning Balance on 06/15/2021	\$0.45
Total Deposits	\$1,842.32
Total Withdrawals	\$1,837.45
Ending Balance on 05/15/2023	\$5.32

Month Dates	Ending Balance of the Month
2021-06	\$5.00
2021-07	\$5.00
2021-08	\$1.80
2021-09	\$5.00
2021-10	\$0.03
2021-11	\$0.06
2021-12	\$3.15
2022-01	\$0.14
2022-02	\$0.24
2022-03	\$0.00
2022-04	\$0.00
2022-05	\$0.17
2022-06	\$5.00
2022-07	\$0.09
2022-08	\$7.44
2022-09	\$0.01
2022-10	\$0.27

Date: 5/16/2023

Signature: [Signature]

Name: Mullins, N

Title: Fiscal Tech

Authorized Institutional Official



Trust Certificate of Account History

COV\mlw46692
5/16/2023 8:22:26 AM
corissnap

Facility: Red Onion State Prison FG

Inmate: 1138537 Whitten, Antwon

I hereby certify as follows with respect to this inmate's general (trust) account:

From Date: 6/15/2021

To Date: 5/15/2023

2022-11	\$5.00
2022-12	\$5.00
2023-01	\$5.04
2023-02	\$5.00
2023-03	\$0.01
2023-04	\$5.00
2023-05	\$5.32
Average Monthly Balance	\$2.66
Average Monthly Deposits:	\$76.76
Average Monthly Withdrawals	\$76.56

Date: 5/16/2023

Signature: [Signature]

Name: Mullins, N

Title: Fiscal Tech


Authorized Institutional Official

CERTIFICATE OF SERVICE

Ref: Whitten v. Clark, USCA4 no. 22-6540

I, Antwon G. Whitten, pro se, certify that on this 14th day of June, 2023, I mailed a true copy of my Declaration of Indigency trust inmate account with the motion to proceed in forma pauperis attached with my Writ of Certiorari to: The Office of the Clerk, Supreme Court of the United States
© 1 First Street, N.E. - Washington, DC. 20543-0001 and a second copy of the above mentioned was mailed on this 14th day of June, 2023, to Clark's attorney of record, Leanna C. Minix, AAG, © Office of the Attorney General of Virginia - 202 North Ninth Street - Criminal App. Section. Richmond, Va. 23219 via 1st class prepaid postage by placing it into the (eas) mailing system. Dated: , 2023

I, Antwon G. Whitten, Prose, 1138537, certify that the foregoing is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746.
Dated: 6-14, 2023

Respectfully Submitted,


Antwon G. Whitten, pro se, 1138537
Red Onion State Prison (RSP)
P.O. Box 970
Pound, Va. 24279-0970

Dated: 6-14, 2023