

23-5018
No. _____

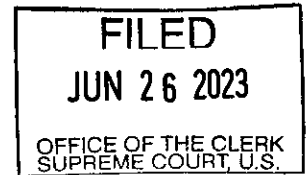
ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD PATRICK SPAULDING - PETITIONER

VS.

STATE OF OKLAHOMA- RESPONDENT



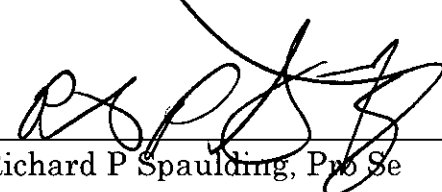
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, Pro Se, asks leave to file the attached Petition For A Writ Of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner was previously granted leave to proceed *in forma pauperis* in the following lower Courts:

1. District Court Of Tulsa County, Oklahoma; and
2. Oklahoma Court of Criminal Appeals
3. United States District Court For the Northern District of Oklahoma

Petitioner's 12-month institutional account statement and Affidavit or Declaration in support of this motion are attached hereto.



Richard P Spaulding, Pro Se

Richard P Spaulding #797250
OSR G2-112
1700 East First Street
Granite, OK 73547

(580) 480-3700 (Prison's #)

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

I, RICHARD SPAULDING, 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.

I AM DIVORCED/NOT MARRIED.

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>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Self-employment | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Income from real property (such as rental income) | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Interest and dividends | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Gifts | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Alimony | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Child Support | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Disability (such as social security, insurance payments) | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Unemployment payments | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Public-assistance (such as welfare) | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Other (specify): <u>PRISON "GAMB", PAY</u> | \$ <u>14.45</u> | \$ <u>Ø</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Total monthly income: | \$ <u>14.45</u> | \$ <u>Ø</u> | \$ <u>14.45</u> | \$ <u>Ø</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 |
|----------------|---------------------------------|---------------------------|-------------------|
| PRISON KITCHEN | 1700 E. FIRST ST GRANITE, OK | 2-9-22 TO CURRENT DATE | \$ <u>Ø</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.) I AM DIVORCED X UNMARRIED

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | N/A | N/A | \$ <u>Ø</u> |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ Ø
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 |
|--|-----------------|------------------------|
| PRISON MANDATORY SAVINGS | \$ 158.96 | \$ N/A <u>Ø</u> |
| (SEE ATTACHED INSTITUTIONAL ACCOUNT STATEMENT) | \$ | \$ |
| | \$ | \$ |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. NONE

☐ Home
Value Ø

☐ Other real estate
Value Ø

☐ Motor Vehicle #1
Year, make & model N/A
Value Ø

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

☐ Other assets
Description NONE
Value Ø

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

NONE

Amount owed to you

\$ 0

Amount owed to your spouse

\$ N/A - 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

NONE

Relationship

N/A

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)

\$ 0

\$ 0

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ 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

\$ 2-3\$/MONTH

\$ 0

Medical and dental expenses

\$ 5-10\$/MONTH

\$ 0

| | You | Your spouse |
|---|--------------------|-------------|
| Transportation (not including motor vehicle payments) | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Insurance (not deducted from wages or included in mortgage payments) <u>NONE</u> | | |
| Homeowner's or renter's | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Life | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Health | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Motor Vehicle | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Other: <u>N/A</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Taxes (not deducted from wages or included in mortgage payments) <u>NONE</u> | | |
| (specify): <u>N/A</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Installment payments <u>NONE OTHER THAN PRISON LEGAL COSTS.</u> | | |
| Motor Vehicle | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Credit card(s) | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Department store(s) | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Other: <u>PRISON LEGAL FEES-COPIES & POSTAGE,</u> | \$ <u>14.45</u> | \$ <u>Ø</u> |
| <u>COVERED FROM ANY ACCT BALANCE</u> | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Alimony, maintenance, and support paid to others | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>Ø</u> | \$ <u>Ø</u> |
| Other (specify): <u>PRISON LEGAL LIB & CASE</u> | \$ <u>30</u> | \$ <u>Ø</u> |
| <u>COSTS (ESTIMATED BY AVG/MO)</u> | \$ <u>30-44.45</u> | \$ <u>Ø</u> |
| Total monthly expenses: | \$ <u>44.45</u> | \$ <u>Ø</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? 0

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

N/A - NONE

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:

N/A / NONE

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

I RECEIVE ONLY PRISON GANG PAY (\$14.45/MO) AS INCOME, 100% OF WHICH IS SEIZED (POST-MANDATORY SAVINGS-REDUCTION) BY DEPT OF CORRECTIONS TO PAY TOWARDS MY ARREARS OF LAW LIBRARY & MEDICAL COSTS.

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

Executed on: JUNE 22, 2023

RE PEB
(Signature)

Offender#
0797250

Offender/Group Name
SPAULDING, RICHARD

Institution
OSR

Unit
UNIT G

Cell/Bed
POD 2-CELL 112-

Transaction List

| Transaction Date | Transaction Type | Source Document # | Receipt#/Check# | Sender Name | Amount | Account Balance |
|------------------|----------------------|-------------------|-----------------|-------------|-----------|-----------------|
| 06/01/2022 | BEGINNING BALANCE | | | | | \$124.87 |
| 06/03/2022 | LEGAL COPAY | 2 COPIES/2 | | | (\$0.59) | \$124.28 |
| 06/06/2022 | OUTSIDE SOURCE | 3677349 | 169358 | ERHBC | \$9.80 | \$134.08 |
| 06/06/2022 | LEGAL COPAY | 2 COPIES/2 | | | (\$1.37) | \$132.71 |
| 06/06/2022 | LEGAL COPAY | COPY, 5 PRINTING | | | (\$1.50) | \$131.21 |
| 06/07/2022 | SALES | 163 | | | (\$6.60) | \$124.61 |
| 06/10/2022 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$0.33) | \$124.28 |
| 06/30/2022 | GANG PAY | | | | \$14.45 | \$138.73 |
| 06/30/2022 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$127.17 |
| 07/31/2022 | GANG PAY | | | | \$14.45 | \$141.62 |
| 07/31/2022 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$130.06 |
| 08/31/2022 | GANG PAY | | | | \$14.45 | \$144.51 |
| 08/31/2022 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$132.95 |
| 09/30/2022 | GANG PAY | | | | \$14.45 | \$147.40 |
| 09/30/2022 | PRESCRIPTION GLASSES | OSR-MEDICAL | | | (\$11.56) | \$135.84 |
| 10/31/2022 | GANG PAY | | | | \$14.45 | \$150.29 |
| 10/31/2022 | MEDICAL COPAY | 02913716 | | | (\$4.00) | \$146.29 |
| 10/31/2022 | PRESCRIPTION GLASSES | OSR-MEDICAL | | | (\$7.56) | \$138.73 |
| 11/30/2022 | GANG PAY | | | | \$14.45 | \$153.18 |
| 11/30/2022 | INSTITUTIONAL DEBT | 3 ADDTL STATE | | | (\$0.75) | \$152.43 |
| 11/30/2022 | PRESCRIPTION GLASSES | OSR-MEDICAL | | | (\$5.88) | \$146.55 |
| 11/30/2022 | PRESCRIPTION COPAY | 02887747 | | | (\$4.00) | \$142.55 |
| 11/30/2022 | PRESCRIPTION COPAY | 02913716 | | | (\$0.93) | \$141.62 |
| 12/31/2022 | GANG PAY | | | | \$14.45 | \$156.07 |
| 12/31/2022 | PRESCRIPTION COPAY | 02913716 | | | (\$3.07) | \$153.00 |
| 12/31/2022 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$8.49) | \$144.51 |
| 01/31/2023 | GANG PAY | | | | \$14.45 | \$158.96 |
| 01/31/2023 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$147.40 |
| 02/28/2023 | GANG PAY | | | | \$14.45 | \$161.85 |
| 02/28/2023 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$150.29 |
| 03/31/2023 | GANG PAY | | | | \$14.45 | \$164.74 |
| 03/31/2023 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$153.18 |
| 04/30/2023 | GANG PAY | | | | \$14.45 | \$167.63 |
| 04/30/2023 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$156.07 |
| 05/31/2023 | GANG PAY | | | | \$14.45 | \$170.52 |
| 05/31/2023 | LEGAL COPAY | COPIES, POSTAGE, | | | (\$11.56) | \$158.96 |

Summary Balances

| Available Balance | Savings Balance | Debt Encumbrance | Other Encumbrance | Instruments | Administrative Holds | Account Balance |
|-------------------|-----------------|------------------|-------------------|-------------|----------------------|-----------------|
| \$0.00 | \$158.96 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$158.96 |

INMATE: RICHARD PATRICK SPAULDING

OK DOC #: 797250

PRISONER'S 12-MONTH INSTITUTIONAL ACCOUNT DETAIL.

PERIOD: JUNE 1, 2022 THRU JUNE 1, 2023

I, RICHARD PATRICK SPAULDING, DECLARE ON PENALTY OF PERJURY (28 USC § 1746) THAT
REPORT WAS GIVEN TO ME BY LAW LIBRARY MANAGER, MRS.
HALEY HAMAKER (SP?) (AN OKLA. DEPT. OF CORRECTIONS STAFF
MEMBER) ON JUNE 15, 2023.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RICHARD PATRICK SPAULDING - PETITIONER, PRO SE

VS.

STATE OF OKLAHOMA - RESPONDENT

MOTION FOR LEAVE TO FILE PETITION FOR A WRIT OF CERTIORARI
WITH 2 APPENDICES HAVING PORTIONS NOT IN COMPLIANCE

THE PETITIONER, PRO SE, HEREBY RESPECTFULLY MOVES THIS COURT FOR LEAVE TO FILE HIS PETITION FOR WRIT OF CERTIORARI WITH PAGES WITHIN SOME APPENDICES (DETAILED BELOW), WHICH ARE TAKEN FROM PORTIONS OF PREVIOUS LOWER COURT PROCEEDINGS; THE DEVIATIONS FROM SUPREME COURT RULES 33 AND 34 MAY BE SUMMARIZED AS:

- (1) SOME PORTIONS OF THE DOCUMENTS IN THE U.S. DISTRICT COURT (NORTHEAST DIST. OKLA., #21-CV-0160-JFH-CDL) APPEAR TO HAVE 10 OR 11 POINT TEXT IN FONTS OTHER THAN THE "CENTURY" FAMILY.
- (2) SOME PAGES WERE SENT TO ME DURING APPEAL IN LEGAL PAGE SIZE (8½" x 14") AND REQUIRED FOLDING OR CUTOFF,

THE PETITIONER'S REQUEST IS ROOTED IN 2 FUNDAMENTAL HARDSHIPS,
ONGOING AS OF THIS DATE: (1) THE PETITIONER IS INDIGENT AND HAS
NO MEANS TO PAY FOR THE REPRINTING OF ALL DOCUMENTS VIOLATING THE
FORMATTING RULES; AND (2) THE PRISON IS CURRENTLY LOCKED DOWN,
MAKING IT UNLIKELY THAT THE TIME & RESOURCES IN THE PRISON LAW
LIBRARY WILL BE AVAILABLE BEFORE I MAIL ALL OF THIS PETITION AND
ASSOCIATED INSTRUMENTS IN 6 DAYS, ON MONDAY JUNE 26, 2023.

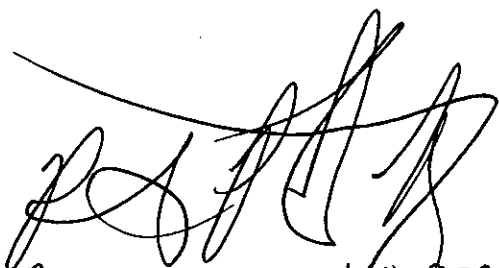
PETITIONER MAKES THIS REQUEST AND THESE FILINGS IN GOOD FAITH. IF
REJECTED WITH 60 DAYS LEAVE BY THE COURT'S CLERK, AS CONTEMPLATED
IN SUPREME COURT RULE 14 (5), PETITIONER BELIEVES HE CAN
OBTAIN COPIES OF THE CASE DOCUMENTS IN GREATER OR FULL
COMPLIANCE THAN PRESENT ITEMS.

THE FOLLOWING PAGE(S) AND/OR PAGE RANGES ARE SUSPECTED TO BE
OUT OF COMPLIANCE:

| ISSUE | APPENDIX | CONTENTS | PAGE(S) |
|--|----------|-----------------------|---------|
| FONT-SIZE | A | ORDERS/OPINIONS BELOW | A3-A8 |
| FONT-SIZE PG SIZE | B | PLEADINGS | |
| FONT-SIZE (PRINTED BY LAW LIBRARY) | D | STATUTES/RULES | |

JUNE 23, 2023

(2)


RICHARD P. SPAULDING #197250
OSR 62-112
1700 EAST FIRST STREET
GRANDE, OK 73547