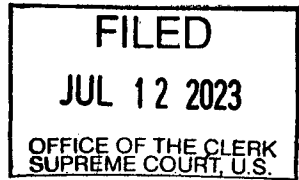


23 - 5133

IN THE
SUPREME COURT OF THE UNITED STATES



GARY WATKINS - PETITIONER

VS.

WILLIS CHAPMAN, Warden - RESPONDENT

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*.

[X] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts: United States District Court Eastern District of Michigan, The United States Court of Appeals Sixth Circuit.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Respectfully submitted,



Gary Watkins, #583264

Date: July 12, 2023

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

I, Gary Watkins, 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 deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Spouse				
Employment	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify):	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</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 monthly pay	Address	Dates of Employment	Gross
	None		\$ 0.00

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 monthly pay	Address	Dates of Employment	Gross
	None		\$ 0.00

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.

Financial institution: Type of account has	Amount you have	Amount your spouse has
None	\$ 0.00	\$ N/A

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

<input type="checkbox"/> Home Value None	<input type="checkbox"/> Other real estate Value 0.00
<input type="checkbox"/> Motor Vehicle #1 Year, make & model None Value 0.00	<input type="checkbox"/> Motor Vehicle #2 Year, make & model Value 0.00
<input type="checkbox"/> Other assets Description None Value 0.00	

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	\$ 0.00	\$ 0.00

7. State the persons who rely on your spouse for support.

Name	Relationship	Age
<u>None</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>0.00</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>0.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>N/A</u>
Food	\$ <u>0.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>0.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0.00</u>	\$ <u>N/A</u>

	You	Your Spouse
Transportation (not including motor vehicle payments)	\$ <u>0.00</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0.00</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ <u>N/A</u>
Life	\$ <u>0.00</u>	\$ <u>N/A</u>
Health	\$ <u>0.00</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0.00</u>	\$ <u>N/A</u>
Other: <u>NONE</u>	\$ <u>0.00</u>	\$ <u>N/A</u>

Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <u>0.00</u>	\$ <u>N/A</u>
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Installment payments

Motor Vehicle	\$ <u>0.00</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0.00</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0.00</u>	\$ <u>N/A</u>
Other: <u>NONE</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>	\$ <u>N/A</u>
Other (specify): <u>NONE</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>0.00</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?

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

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

I am currently incarcerated at the Macomb Correctional Facility, at 34625 26 Mile Road Lenox Township, Michigan, 48048, and I do not have any source of income. I have no other assets, real or otherwise, which would defray the cost of filing this action.

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

Date: July 12, 2023



Gary Watkins, #583264

STATE OF MICHIGAN

**CERTIFICATE OF PRISONER ACCOUNT ACTIVITY
AND AFFIDAVIT REGARDING SUSPENSION OF PRISONER FEES/COSTS**

Prisoner-Plaintiff/Petitioner/Appellant name and number
GARY EUGENE WATKINS, #583264

v

Defendant's/Respondent's/Appellee's name
WILLIS CHAPMAN, WARDEN

CERTIFICATE OF PRISONER ACCOUNT ACTIVITY

I am employed by the Michigan Department of Corrections at the facility identified below, at which the prisoner identified as the Plaintiff/Petitioner/Appellant is currently incarcerated.

Attached is a computer printout which accurately reflects the current spendable balance and all activity within this prisoner's account during the preceding twelve months or, if the prisoner has been incarcerated for less than twelve months, for the period of incarceration. Code "C" on the printout represents a withdrawal from the account and code "D" represents a deposit to the account. The attached printout reflects, for the reported period, an average monthly account deposit (i.e., total deposits divided by number of months) of \$191.00 and an average monthly account balance (i.e., total deposits minus total withdrawals divided by number of months) of \$-49.05. There is a current spendable account balance of \$230.11

Date: 7-10-2023

P. Johnson Acct Tech
Signature/Title

Macomb Correctional Facility
Correctional Facility

Note: Bottom section to be completed by prisoner and sent by prisoner to a Michigan court along with State civil pleading/claim of appeal.

AFFIDAVIT REGARDING SUSPENSION OF PRISONER FEES/COSTS

1. I am the Plaintiff/Respondent/Appellant in the attached pleading/petition/claim of appeal.
2. I am asking the court for suspension of filing fees and costs because I am indigent as reflected in the Certificate of Prisoner Account Activity and attached computer print-out.

[Signature]
Prisoner's Signature

Subscribed and sworn to before me, a Notary Public,
this 12 day of July, 2023

Kelly B. Edwards

My Commission Expires: 09-09-2029

KELLY B EDWARDS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF SANILAC
My Commission Expires September 09, 2029
Acting in the County of Macomb

CSJ-276 7/07

Offender Information

Offender Number: 0583264	Institution: MRF	Living Unit: HU#7	Primary Balance: \$230.11
Offender Name: Watkins, Gary Eugene	Housing Facility: MRF	Cell: 103	Available Balance: \$230.11
Account Status: Open	Tier: D	Bed: Bot	

Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
01/10/2023						\$524.43	
01/11/2023 08:36:45 AM	Access Catalog Disbursement	Access Catalog	TSHIRTS		(\$23.44)	\$500.99	MRF
01/11/2023 10:28:16 AM	Money to Relatives	BRIAN BLAKE WATKINS	B WATKINS		(\$380.00)	\$120.99	MRF
01/11/2023 10:29:37 AM	Money to Relatives	BRIAN BLAKE WATKINS	B WATKINS		(\$70.00)	\$50.99	MRF
01/11/2023 01:37:24 PM	Notary Disbursement	MRF Institutional Services	NOTARY MRF 12-14-22		(\$1.00)	\$49.99	MRF
01/11/2023 01:41:03 PM	Notary Disbursement	MRF Institutional Services	NOTARY MRF 12-21-22		(\$1.00)	\$48.99	MRF
01/11/2023 01:57:10 PM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF12-16-22		(\$1.30)	\$47.69	MRF
01/11/2023 01:57:26 PM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF12-16-22		(\$4.90)	\$42.79	MRF
01/11/2023 02:28:15 PM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF12-28-22		(\$2.00)	\$40.79	MRF
01/14/2023 01:31:44 AM	Commissary Sale	Keefe Commissary	C104847799		(\$15.94)	\$24.85	MRF
01/19/2023 05:10:08 AM	GTL	Beverly Watkins-Fuller		\$90.00		\$114.85	COF
01/24/2023 12:37:56 PM	Stamps	MRF Institutional Services			(\$1.26)	\$113.59	MRF
01/29/2023 05:10:09 AM	GTL	Mark Watkins		\$50.00		\$163.59	COF
01/30/2023 05:10:09 AM	GTL	Beverly Watkins-Fuller		\$197.05		\$360.64	COF
01/30/2023 02:58:17 PM	Stamps	MRF Institutional Services			(\$1.50)	\$359.14	MRF
01/30/2023 02:58:32 PM	Stamps	MRF Institutional Services			(\$2.94)	\$356.20	MRF
01/31/2023 01:31:21 AM	Commissary Sale	Keefe Commissary	C104871403		(\$5.30)	\$350.90	MRF
02/02/2023 08:16:53 AM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF01-24-23		(\$22.00)	\$328.90	MRF
02/02/2023 02:15:49 PM	Legal Stamps	MRF Institutional Services			(\$2.46)	\$326.44	MRF
02/02/2023 02:16:09 PM	Legal Stamps	MRF Institutional Services			(\$0.84)	\$325.60	MRF
02/03/2023 02:20:11 PM	Stamps	MRF Institutional Services			(\$0.15)	\$325.45	MRF
02/06/2023 10:40:23 AM	JL Marcus Disbursement	Jack L Marcus	SOX SHOE CAP TS ADPT		(\$66.52)	\$258.93	MRF
02/07/2023 10:00:52 AM	Vendor Refund	Access Securepak		\$9.77		\$268.70	COF
02/13/2023 09:09:38 AM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF02-01-23		(\$2.70)	\$266.00	MRF
02/14/2023 01:31:18 AM	Commissary Sale	Keefe Commissary	C104892839		(\$22.61)	\$243.39	MRF
02/14/2023 08:13:44 AM	MRF-Institutional Services	500 - Institutional Services		\$4.00		\$247.39	MRF
02/16/2023 01:31:01 AM	Commissary Sale	Keefe Commissary	C104892839		\$0.95	\$248.34	MRF
02/17/2023 12:06:52 PM	Edward Hamilton	Hamilton Books	BOOKS		(\$43.35)	\$204.99	MRF
02/22/2023 01:52:24 PM	Stamps	MRF Institutional Services			(\$0.60)	\$204.39	MRF
02/27/2023 02:15:34 PM	Legal Stamps	MRF Institutional Services			(\$1.74)	\$202.65	MRF

Primary Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
02/28/2023 01:31:37 AM	Commissary Sale	Keefe Commissary	C104917664		(\$6.81)	\$195.84	MRF
02/28/2023 07:40:09 PM	Kiosk Request	JPAY Inc.			(\$10.00)	\$185.84	COF
03/10/2023 01:31:07 AM	Commissary Sale	Keefe Commissary	C104917664		\$2.23	\$188.07	MRF
03/10/2023 07:40:14 PM	Kiosk Request	JPAY Inc.			(\$5.00)	\$183.07	COF
03/16/2023 01:34:24 PM	Medical Co-Pay Disbursement	Health Care Co-Pay	OPT MRF DOS03-07-23		(\$5.00)	\$178.07	MRF
03/16/2023 03:47:44 PM	Vendor Refund	Jack L. Marcus		\$13.78		\$191.85	COF
03/17/2023 10:16:38 AM	JL Marcus Disbursement	Jack L Marcus	SOCKS		(\$32.86)	\$158.99	MRF
03/17/2023 07:40:09 PM	Kiosk Request	JPAY Inc.			(\$9.99)	\$149.00	COF
03/21/2023 03:41:01 PM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF03-09-23		(\$2.10)	\$146.90	MRF
03/28/2023 01:31:21 AM	Commissary Sale	Keefe Commissary	C104963071		(\$24.43)	\$122.47	MRF
03/28/2023 02:24:18 PM	Legal Stamps	MRF Institutional Services			(\$2.70)	\$119.77	MRF
03/28/2023 02:24:38 PM	Legal Stamps	MRF Institutional Services			(\$10.55)	\$109.22	MRF
04/05/2023 09:53:59 AM	Notary Disbursement	MRF Institutional Services	NOTARY MRF 03-29-23		(\$11.00)	\$98.22	MRF
04/07/2023 01:31:01 AM	Commissary Sale	Keefe Commissary	C104963071		\$0.77	\$98.99	MRF
04/10/2023 11:49:15 AM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF03-29-23		(\$1.30)	\$97.69	MRF
04/11/2023 01:31:19 AM	Commissary Sale	Keefe Commissary	C104985302		(\$0.95)	\$96.74	MRF
04/15/2023 01:30:52 AM	Commissary Sale	Keefe Commissary	C104985302		\$0.95	\$97.69	MRF
04/19/2023 01:55:18 PM	Special Project/Fundraiser	MRF PBF Fundraiser			(\$10.00)	\$87.69	MRF
04/27/2023 05:10:10 AM	GTL	Beverly Watkins-Fuller		\$30.00		\$117.69	COF
05/02/2023 05:10:16 AM	GTL	Beverly Watkins-Fuller		\$65.00		\$182.69	COF
05/02/2023 11:31:04 AM	Medical Co-Pay Disbursement	Health Care Co-Pay	MED MRF DOS 04/21/23		(\$5.00)	\$177.69	MRF
05/03/2023 02:33:40 PM	Stamps	MRF Institutional Services			(\$4.75)	\$172.94	MRF
05/05/2023 05:10:25 AM	GTL	Beverly Watkins-Fuller		\$25.00		\$197.94	COF
05/05/2023 02:07:19 PM	Stamps	MRF Institutional Services			(\$3.66)	\$194.28	MRF
05/08/2023 07:40:19 PM	Kiosk Request	JPAY Inc.			(\$1.60)	\$192.68	COF
05/09/2023 01:31:48 AM	Commissary Sale	Keefe Commissary	C105030192		(\$3.02)	\$189.66	MRF
05/11/2023 05:10:20 AM	GTL	Beverly Watkins-Fuller		\$60.00		\$249.66	COF
05/12/2023 07:57:32 AM	MRF-Institutional Services	500 - Institutional Services		\$2.00		\$251.66	MRF
05/15/2023 05:10:13 AM	GTL	Beverly Watkins-Fuller		\$66.00		\$317.66	COF
05/15/2023 07:40:13 PM	Kiosk Request	JPAY Inc.			(\$20.04)	\$297.62	COF
05/16/2023 05:10:14 AM	GTL	Beverly Watkins-Fuller		\$217.00		\$514.62	COF
05/18/2023 09:05:01 AM	Access Catalog Disbursement	Access Catalog	SOX BB SHOE		(\$98.72)	\$415.90	MRF
05/23/2023 01:31:30 AM	Commissary Sale	Keefe Commissary	C105051554		(\$1.94)	\$413.96	MRF
06/04/2023 05:10:11 AM	GTL	Beverly Watkins-Fuller		\$26.00		\$439.96	COF
06/06/2023 01:31:23 AM	Commissary Sale	Keefe Commissary	C105072951		(\$12.73)	\$427.23	MRF
06/07/2023 05:10:10 AM	GTL	Tiffany Richardson		\$125.00		\$552.23	COF

06/07/2023 08:19:53 AM

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
06/07/2023 08:19:53 AM	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF05-31-23		(\$0.40)	\$551.83	MRF
06/10/2023 07:40:11 PM	Kiosk Request	JPAY Inc.			(\$5.11)	\$546.72	COF
06/13/2023 02:22:40 PM	Legal Stamps	MRF Institutional Services			(\$0.60)	\$546.12	MRF
06/14/2023 08:08:28 AM	MRF-Institutional Services	500 - Institutional Services		\$6.00		\$552.12	MRF
06/14/2023 08:08:28 AM	MRF-Institutional Services	500 - Institutional Services		\$5.92		\$558.04	MRF
06/15/2023 08:55:50 AM	Money to Relatives	BRIAN BLAKE WATKINS	B WATKINS		(\$250.00)	\$308.04	MRF
06/19/2023 05:10:12 AM	GTL	Tiffany Richardson		\$45.00		\$353.04	COF
06/20/2023 01:31:21 AM	Commissary Sale	Keefe Commissary	C105095297		(\$7.61)	\$345.43	MRF
06/21/2023 08:01:01 AM	MSI Optical Disbursement	MSI Optical - 1250	OPTICAL		(\$30.00)	\$315.43	MRF
06/22/2023 03:48:41 PM	Vendor Refund	Access Securepak		\$88.50		\$403.93	COF
06/23/2023 01:55:06 PM	Legal Stamps	MRF Institutional Services			(\$12.60)	\$391.33	MRF
06/23/2023 02:16:02 PM	Stamps	MRF Institutional Services			(\$8.34)	\$382.99	MRF
06/28/2023 05:10:10 AM	GTL	Beverly Watkins-Fuller		\$20.00		\$402.99	COF
06/29/2023 02:14:17 PM	Legal Stamps	MRF Institutional Services			(\$10.05)	\$392.94	MRF
07/04/2023 01:31:49 AM	Commissary Sale	Keefe Commissary	C105115887		(\$85.38)	\$307.56	MRF
07/06/2023 10:50:32 AM	Footlocker - Regular	MRF PBF Footlocker	MRF REG FOOTLCKR		(\$142.50)	\$165.06	MRF
07/06/2023 10:50:32 AM	Sales Tax	Michigan State Tax			(\$8.16)	\$156.90	MRF
07/06/2023 02:16:16 PM	Notary Disbursement	MRF Institutional Services	NOTARY MRF 06/23/23		(\$1.00)	\$155.90	MRF
07/07/2023 08:55:29 AM	V-Sales Tax	Michigan State Tax			\$8.16	\$164.06	MRF
07/07/2023 08:55:29 AM	V-Footlocker - Regular	MRF PBF Footlocker	MRF REG FOOTLCKR		\$142.50	\$306.56	MRF
07/08/2023 01:30:51 AM	Commissary Sale	Keefe Commissary	C22109305		(\$76.45)	\$230.11	MRF
07/10/2023				\$1,146.02	(\$1,440.34)	\$230.11	

07/10/2023

Date	Deposit	Expense	Balance	Loc Code
01/10/2023			\$0.00	
No Activity				
07/10/2023	\$0.00	\$0.00	\$0.00	

07/10/2023 11:44 AM

Date Held	Hold Type	Notes	Amount
No Activity			

07/10/2023 11:44 AM

Description	Paid To	Max Per Period	Ordered	Transfer	Outside Source	Held	Paid	Written Off	Total Remaining
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Daily Transaction Summary (0583264 - Gary Watkins cont.): January 10, 2023 - July 10, 2023

Page 4

No Remaining Obligations

$$\begin{array}{r} 1146.02 \\ \div 6 \\ \hline 191.00 \end{array} \quad \begin{array}{r} 1146.02 \\ - 1440.34 \\ \hline - 294.32 \\ \div 6 \\ \hline - 49.05 \end{array}$$

Total:

\$0.00