

June 4, 2023

23-5144

ORIGINAL

Scott S. Harris, Clerk of the Court  
Supreme Court of the United States  
1 First Street N.E.  
Washington, D.C. 20543-0001

Re: Donald Lynn Martin  
Case No. 22M78

FILED  
JAN 31 2023  
OFFICE OF THE CLERK  
SUPREME COURT U.S.

Dear Mr. Harris,

As Petitioner, This letter to you concerns what Petitioner avers is a breach of duty by your deputy Ms. Nesbitt, and also your breach of duty for allowing this to continue. Specificall, 28 USC §951, which states as follows:

**§951. Oath of office of clerks and deputies**  
Each clerk of court and his deputies shall take the following oath or affirmation before cetering upon thier duties, "I, \_\_\_\_\_, having been appointed \_\_\_\_\_, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgements and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God."

As Petitioner, regarding a motion for Mandamus No. 22M78, Petitioner has presented to this Court 3 (three) separate motions to proceed "in forma pauperis". Each time they have been returned because, "the notarized affidavit or declaration of indigency does not comply with Rule 39." As Petitioner pointed out to Ms. Nesbitt, Petitioner avers he has complied in substance with the rules regarding "In Forma Pauperis", however it has been insisted (demanded) that Petitioner's affidavit is not on the proper form. Petitioner stipulates Rule No. 1 states: "The Clerk receives documents for filing with the Court and has authority to reject any submitted filing that does not comply with these Rules."

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SUPREME COURT

Notwithstanding Rule 1, Petitioner avers 28 USC §1915(a) states in part the following:

(a)(1)"Subject to subsection (b), any court...a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees..."

Petitioner directs your attention to page 3 of said affidavit, where Petitioner states: "I do not have access to any other legal tender or assets besides those in my prison Trust Fund Account." Given this clear statement, why then, does the Clerk of this Court continue to deprive Petitioner his "Due Process?" It has already been established the Deputy Clerk has not been transparent, as [s]he reluctantly admitted; "It was confirmed that your petition was retained by this office." Is it so unaccustomed that a regular citizen would call to account a public servant, let alone one in the position as Clerk of the Supreme Court??

Petitioner avers 28 USC §951 states in part; "...that I will truly and faithfully enter and record all...proceedings..."

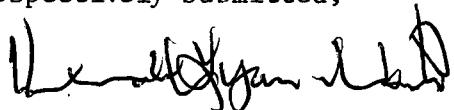
Blacks Law Dictionary, Tenth Edition: Preceedings;

1. The regular and orderly progression of a lawsuit, Including all acts and events between the time of commencement and the entry of judgment.
2. Any procedural means for seeking redress from a tribunal or agency.
3. An act or step that is part of a larger action.
4. The business conducted by a court or other official body; a hearing.
5. Bankruptcy. A particular dispute or matter arising within a pending case -- as opposed to the case as a whole.

Petitioner avers, the filing of motion to proceed "in forma pauperis", is in fact a proceeding before this court. Thus, a failure to 'enter' and 'record' said motion, is in fact, a failure of ones oath. While the Plaintiff does not wish to cause harm to anyone in this matter, it is strongly suggested the clerk reconsider their actions.

In summary, Petitioner avers the sworn statements submitted to this Court does in fact comply with both the letter and the substance of the law.

Respectively Submitted,



Donald Lynn Martin, CPA, FCDME (retired)

ENCLOSURES

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

I, Donald Lynn Martin, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child Support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify): _____	\$	\$	\$	\$
<b>Total monthly income:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
	SEE ATTACHED AND COPY OF TRUST FUND ACCOUNT	SEE ATTACHED AND COPY OF TRUST FUND ACCOUNT	SEE ATTACHED AND COPY OF TRUST FUND ACCOUNT	SEE ATTACHED AND COPY OF TRUST FUND ACCOUNT

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
_____	_____	_____	\$ _____
_____	_____	_____	\$\$ _____
_____	_____	_____	\$\$ _____

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
_____ _____ _____	_____ _____ _____	_____ _____ _____	\$ _____ \$ _____ \$ _____

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

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

**SEE COPY OF SWEAR AFFIDAVIT**  
 Home  Other real estate  
Value \_\_\_\_\_ Value \_\_\_\_\_

Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

**SEE COPY OF SWORN AFFIDAVIT**

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

<b>Person owing you or your spouse money</b>	<b>SEE COPY OF SWORN AFFIDAVIT</b>	<b>Amount owed to your spouse</b>
	<b>Amount owed to you</b>	
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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").

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SEE COPY OF SWORN AFFIDAVIT**

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

SEE COPY OF  
SWORN AFFIDAVIT

SEE COPY OF  
SWORN AFFIDAVIT

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

SWORN

AFFIDAVIT

COPY

SWORN

AFFIDAVIT

You

Your spouse

AFFIDAVIT

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.

**UNKNOWN**

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

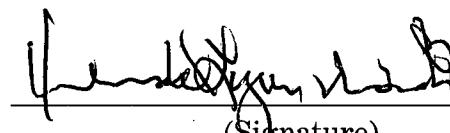
If yes, how much? \_\_\_\_\_

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

Executed on: January 4, 2023



(Signature)