

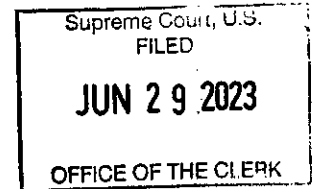
June 30, 2023

**ORIGINAL**

Office of the Clerk  
Supreme Court of the United States  
One First Street, NE  
Washington, D.C. 20543

**23-5400**

RE: Branham v. Michigan  
Michigan Supreme Court No. 164730  
Michigan Court of Appeals No. 350452  
United States Supreme Court No. \_\_\_\_\_



Dear Clerk of the Court,

Enclosed for filing in the above referenced cause, I ask that you find:

- X Petition for Writ of Certiorari
- X Motion for Leave to Proceed in Forma Pauperis w/Affidavit/Declaration
- X Appendices A-D

I ask that you file these pleadings in your usual manner and notify me immediately of any defects.

I appreciate your prompt attention to this matter.

Sincerely,

Nathan Leon Branham #590405  
Muskegon Correctional Facility  
2400 South Sheridan Drive  
Muskegon, Michigan 49442

cc: Dana Nessel - Michigan Attorney General  
FILE

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The petitioner ask leave to file the attached petition for a writ of certiorari without prepayment of cost and to proceed in forma pauperis.

petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

Michigan Court of Appeals under docket No. 350452

Michigan Supreme Court under docket No. 164730

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

RESPECTFULLY SUBMITTED this 30th day of June 2023, by: 

Nathan Leon Branham

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

I, NATHAN LEON BRANHAM, 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	\$N/A	\$ N/A	\$ N/A	\$ N/A
Self-employment	\$N/A	\$ N/A	\$ N/A	\$ N/A
Income from real property (such as rental income)	\$0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$291.22	\$ 0	\$ 0	\$ 0
Alimony	\$N/A	\$ N/A	\$ N/A	\$ N/A
Child Support	\$0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): _____	\$N/A	\$ N/A	\$ N/A	\$ N/A
Total monthly income:	\$291.22	\$ 0	\$ 0	\$ 0

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
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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0  
Below, state any money you and your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of account	Amount you have	Amount your spouse has
N/A		\$	\$
		\$	\$
		\$	\$

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

☐ N/A  
☐ Home  
Value

☐ Other real estate  
Value

☐ Motor Vehicle #1  
Year, make & model  
Value

☐ Motor Vehicle #2  
Year, make & model  
Value

☐ Other assets  
Description  
Value

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

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$

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

N/A

Name

Relationship

Age

8. Estimate the average monthly expenses of you and your spouse. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

N/A

You

Your spouse

Rent or home-mortgage payment  
(include lot rented for mobile home)

\$

\$

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$

\$

Home maintenance (repairs and upkeep)

\$

\$

Food

\$

\$

Clothing

\$

\$

Laundry and dry-cleaning

\$

\$

Medical and dental expenses

\$

\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ N/A	\$ N/A
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:	\$ _____	\$ _____
<u>Taxes (not deducted from wages or included in mortgage payments)</u>		
(specify):	\$ _____	\$ _____
Installment payments		
Motor Vehicles	\$ _____	\$ _____
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): _____	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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:

DONALD SAPPANOS (P43542) 1595 W. CENTRE AVENUE-SUITE 100, ~~KALAMAZOO~~ PORTAGE, MI.

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 ~~XXX~~

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 AM INCARCERATED AND AS SUCH AM INDIGENT BY THE MEANING OF LAW.

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

Executed on: \_\_\_\_\_ this 30th day of June, 20 23

  
(Signature)

[Click here for the content of this form.](#)

FEDERAL COURT - CIVIL ACTION

6-10677

Prisoner-Plaintiff/Petitioner/Appellant name and number

BRANHAM, NATHAN #590405

0

V

Defendant's/Respondent's/Appellee's name

MICHIGAN

CERTIFICATE OF PRISONER INSTITUTIONAL/TRUST FUND 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 six months or, if the prisoner has been incarcerated for less than six months, for the period of incarceration. "Credit" on the printout represents a withdrawal from the account and "Debit" represents a deposit to the account.

This Certificate of Prisoner Account Activity reflects, for the reported period, an average monthly deposit (i.e., total deposits divided by number of months) \$291.22, an average monthly balance (i.e., total deposits less total withdrawals divided by number of months) of \$30.67.

There is a current spendable account balance of \$231.02.

Date: 7/21/2023



Signature of Custodian of Prisoner Institutional/Trust Fund Account

MUSKEGON CORRECTIONAL FACILITY

## Daily Transaction Summary: January 21, 2023 - July 21, 2023

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Offender Information				
Offender Number: 0590405	Institution: MCF	Living Unit: Unit 6	Primary Balance:	\$231.02
Offender Name: Branham, Nathan Leon	Housing Facility: MCF	Cell: 106	Available Balance:	\$231.02
Account Status: Open	Tier: 01	Bed: A		

Primary Trust Transactions							
Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
01/21/2023						\$47.00	
01/25/2023 07:40:10 PM	Kiosk Request	JPay Inc.			(\$5.00)	\$42.00	COF
01/27/2023 05:10:11 AM	GTL	Melisa Branham		\$50.00		\$92.00	COF
02/01/2023 01:30:50 AM	Commissary Sale	Keefe Commissary	C104874140		(\$90.68)	\$1.32	LRF
02/09/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C104874140		\$90.68	\$92.00	LRF
02/10/2023 05:10:11 AM	GTL	Tiffany Branham		\$50.00		\$142.00	COF
02/14/2023 03:48:15 PM	Vendor Refund	Mike's Better Shoes		\$86.90		\$228.90	COF
02/15/2023 01:30:58 AM	Commissary Sale	Keefe Commissary	C104896367		(\$105.61)	\$123.29	LRF
02/15/2023 07:40:13 PM	Kiosk Request	JPay Inc.			(\$10.00)	\$113.29	COF
02/18/2023 01:30:52 AM	Commissary Sale	Keefe Commissary	C104896367		\$2.60	\$115.89	LRF
02/23/2023 01:30:54 AM	Commissary Sale	Keefe Commissary	C104896367		\$2.01	\$117.90	LRF
02/25/2023 05:10:19 AM	GTL	Tiffany Branham		\$100.00		\$217.90	COF
02/25/2023 05:10:19 AM	GTL	Elizabeth Rodriguez		\$50.00		\$267.90	COF
03/01/2023 01:05:44 PM	Commissary Sale	Keefe Commissary	C104920077		(\$105.96)	\$161.94	LRF
03/12/2023 05:10:11 AM	GTL	Elizabeth Rodriguez		\$50.00		\$211.94	COF
03/15/2023 01:30:58 AM	Commissary Sale	Keefe Commissary	C104942976		(\$51.73)	\$160.21	LRF
03/17/2023 05:10:09 AM	GTL	Tiffany Branham		\$75.00		\$235.21	COF
03/22/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C104942976		\$5.18	\$240.39	LRF
03/29/2023 01:30:51 AM	Commissary Sale	Keefe Commissary	C104967017		(\$74.04)	\$166.35	LRF
04/01/2023 01:30:45 AM	Commissary Sale	Keefe Commissary	C104967017		\$2.53	\$168.88	LRF
04/04/2023 01:31:30 AM	Commissary Sale	Keefe Commissary	C104975205		(\$116.03)	\$52.85	MCF
04/05/2023 01:30:53 AM	Commissary Sale	Keefe Commissary	C104967017		\$71.51	\$124.36	LRF
04/12/2023 05:10:11 AM	GTL	Tiffany Branham		\$300.00		\$424.36	COF
04/14/2023 01:31:29 AM	Commissary Sale	Keefe Commissary	C104975205		\$21.04	\$445.40	MCF
04/15/2023 05:10:12 AM	GTL	Tiffany Branham		\$50.00		\$495.40	COF
04/18/2023 01:31:28 AM	Commissary Sale	Keefe Commissary	C104995966		(\$127.65)	\$367.75	MCF
04/18/2023 03:09:36 PM	Phone Credits	ViaPath Technologies			(\$10.00)	\$357.75	MCF
04/19/2023 05:10:09 AM	GTL	Elizabeth Rodriguez		\$80.00		\$437.75	COF
04/19/2023 01:21:12 PM	Special Project/Fundraiser	MCF PBF Fundraiser			(\$10.00)	\$407.75	MCF
04/19/2023 07:40:10 PM	Kiosk Request	JPay Inc.			(\$10.00)	\$397.75	COF
04/27/2023 07:40:12 PM	Kiosk Request	JPay Inc.			(\$10.00)	\$387.75	COF

Michigan Department Of Corrections - MCF

7/21/2023 08:47 AM



Daily Transaction Summary (0590405 - Nathan Branham cont.): January 21, 2023 - July 21, 2023

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Primary Trust Transactions							
Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
05/01/2023 01:42:27 PM	Stamps	MCF Institutional Services	MCF REG POST 5123		(\$0.60)	\$387.15	MCF
05/02/2023 01:31:25 AM	Commissary Sale	Keefe Commissary	C105017598		(\$121.31)	\$265.84	MCF
05/04/2023 02:49:35 PM	Access Catalog Disbursement	Access Catalog			(\$95.88)	\$169.96	MCF
05/04/2023 03:35:15 PM	Miscellaneous Vendor Check	Walkenhors's			(\$18.01)	\$151.95	MCF
05/08/2023 04:09:50 PM	Phone Credits	ViaPath Technologies			(\$10.00)	\$141.95	MCF
05/09/2023 05:10:17 AM	GTL	Tiffany Branham		\$100.00		\$241.95	COF
05/10/2023 08:45:58 AM	Stamps	MCF Institutional Services	MCF REG POST 051023		(\$0.60)	\$241.35	MCF
05/10/2023 08:46:55 AM	Stamps	MCF Institutional Services	MCF REG POST 051023		(\$0.60)	\$240.75	MCF
05/10/2023 08:51:48 AM	Stamps	MCF Institutional Services	MCF REG POST 051023		(\$0.84)	\$239.91	MCF
05/10/2023 08:52:34 AM	Stamps	MCF Institutional Services	MCF REG POST 051023		(\$0.84)	\$239.07	MCF
05/10/2023 08:53:22 AM	Stamps	MCF Institutional Services	MCF REG POST 051023		(\$0.84)	\$238.23	MCF
05/11/2023 05:10:20 AM	GTL	Melissa Branham		\$150.00		\$388.23	COF
05/12/2023 01:31:52 AM	Commissary Sale	Keefe Commissary	C105017598		\$6.25	\$394.48	MCF
05/13/2023 05:10:15 AM	GTL	Tiffany Branham		\$50.00		\$444.48	COF
05/16/2023 01:31:46 AM	Commissary Sale	Keefe Commissary	C105040388		(\$125.01)	\$319.47	MCF
05/17/2023 11:30:00 AM	Special Project/Fundraiser	MCF PBF Fundraiser			(\$14.75)	\$304.72	MCF
05/26/2023 07:40:12 PM	Kiosk Request	JPAY Inc.			(\$5.00)	\$299.72	COF
05/27/2023 01:31:46 AM	Commissary Sale	Keefe Commissary	C105061037		(\$80.83)	\$208.89	MCF
06/03/2023 05:10:14 AM	GTL	Melissa Branham		\$100.00		\$308.89	COF
06/04/2023 05:10:11 AM	GTL	Amber Suarez		\$100.00		\$408.89	COF
06/09/2023 01:31:28 AM	Commissary Sale	Keefe Commissary	C105061037		\$3.01	\$411.90	MCF
06/10/2023 07:40:11 PM	Kiosk Request	JPAY Inc.			(\$10.00)	\$401.90	COF
06/13/2023 01:31:44 AM	Commissary Sale	Keefe Commissary	C105082872		(\$71.62)	\$330.28	MCF
06/13/2023 09:32:27 AM	Vendor Refund	Access Securepak		\$79.57		\$409.85	COF
06/14/2023 05:10:09 AM	GTL	Melissa Branham		\$95.00		\$504.85	COF
06/14/2023 09:34:36 AM	MCF Institutional Services	500 - Institutional Services		\$10.34		\$515.19	MCF
06/15/2023 11:37:57 AM	Mike's Better Shoes Disb.	Mike's Better Shoes			(\$89.48)	\$425.71	MCF
06/15/2023 02:26:50 PM	Dick Blick Art Supplies	Dick Blick			(\$73.40)	\$352.31	MCF
06/16/2023 01:49:59 PM	Stamps	MCF Institutional Services	MCF REG POST 061623		(\$4.85)	\$347.46	MCF
06/22/2023 12:22:20 PM	Special Project/Fundraiser	MCF PBF Fundraiser			(\$15.00)	\$332.46	MCF
06/23/2023 01:31:27 AM	Commissary Sale	Keefe Commissary	C105082872		\$7.11	\$339.57	MCF
06/27/2023 01:31:34 AM	Commissary Sale	Keefe Commissary	C105106138		(\$59.03)	\$280.54	MCF
07/02/2023 05:10:14 AM	GTL	Melissa Branham		\$100.00		\$380.54	COF
07/04/2023 05:10:13 AM	GTL	Elizabeth Rodriguez		\$30.00		\$410.54	COF
07/11/2023 01:31:29 AM	Commissary Sale	Keefe Commissary	C105126302		(\$103.13)	\$307.41	MCF
07/13/2023 04:03:27 PM	Miscellaneous Vendor Check	Herrschners			(\$113.41)	\$194.00	MCF

Daily Transaction Summary (0590405 - Nathan Branham cont.): January 21, 2023 - July 21, 2023

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Summary of Transactions							
Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
07/14/2023 07:40:13 PM	Kiosk Request	JPay Inc.			(\$10.00)	\$184.00	COF
07/15/2023 07:40:11 PM	Kiosk Request	JPay Inc.			(\$7.50)	\$176.50	COF
07/17/2023 01:58:27 PM	MCF Institutional Services	500 - Institutional Services		\$20.52		\$197.02	MCF
07/18/2023 02:36:33 PM	Special Project/Fundraiser	MCF PBF Fundraiser			(\$15.00)	\$182.02	MCF
07/19/2023 05:10:10 AM	GTL	Elizabeth Rodriguez		\$40.00		\$222.02	COF
07/21/2023 01:31:23 AM	Commissary Sale	Keefe Commissary	C105126302		\$9.00	\$231.02	MCF
07/21/2023				\$1,747.33	(\$1,563.31)	\$231.02	

Savings							
Date				Deposit	Expense	Balance	Loc Code
01/21/2023						\$0.00	
No Activity							
07/21/2023				\$0.00	\$0.00	\$0.00	

Holds - Current as of Date and Amount of Report							
Date Held	Hold Type	Notes					Amount
No Activity							

Remaining Obligations - Current as of Date and Amount of Report										
Description	Paid To	Max Per Period	Ordered	Transfer	Outside Source	Held	Paid	Written Off		Total Remaining
No Remaining Obligations										
									Total:	\$0.00