

June 30, 2023

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. _____

Supreme Court, U.S.

FILED

JUN 29 2023

OFFICE OF THE CLERK

Dear Clerk of the Court,

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

Petition for Writ of Certiorari
 Motion for Leave to Proceed in Forma Pauperis w/Affidavit/Declaration
 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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" 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	\$ _____	\$ _____

	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:	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(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, 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

If yes, how much?

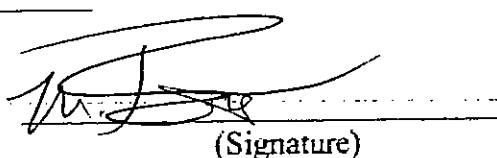
If yes, state the person's name, address, and telephone number:

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.](#)

6-10677

FEDERAL COURT - CIVIL ACTION

Prisoner-Plaintiff/Petitioner/Appellant name and number BRANHAM, NATHAN #590405 0	V	Defendant's/Respondent's/Appelee's name MICHIGAN
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CERTIFICATE OF PRISONER INSTITUTIONAL/TRUST FUND ACCOUNT ACTIVITY

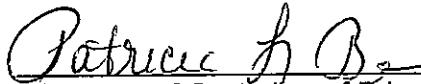
I am employed by the Michigan Department of Corrections at the facility identified below, at which the prisoner identified as the Plaintiff/Petitioner/Appellant is currently incarcerated.

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

Page 1

Offender Information		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	
Transaction Details				
Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit
01/21/2023				\$47.00
01/25/2023 07:40:10 PM	Kiosk Request	JPay Inc.		(\$5.00)
01/27/2023 05:10:11 AM	GTL	Melisa Branham		\$50.00
02/01/2023 01:30:50 AM	Commissary Sale	Keefe Commissary	C104874140	(\$90.68)
02/09/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C104874140	\$90.68
02/10/2023 05:10:11 AM	GTL	Tiffany Branham		\$50.00
02/14/2023 03:46:15 PM	Vendor Refund	Mike's Better Shoes		\$86.90
02/15/2023 01:30:58 AM	Commissary Sale	Keefe Commissary	C104896367	(\$105.81)
02/15/2023 07:40:13 PM	Kiosk Request	JPay Inc.		(\$10.00)
02/18/2023 01:30:52 AM	Commissary Sale	Keefe Commissary	C104896367	\$2.60
02/23/2023 01:30:54 AM	Commissary Sale	Keefe Commissary	C104896367	\$2.01
02/25/2023 05:10:19 AM	GTL	Tiffany Branham		\$100.00
02/25/2023 05:10:19 AM	GTL	Elizabeth Rodriguez		\$50.00
02/25/2023 05:10:19 AM	GTL	Keefe Commissary	C104920077	(\$105.96)
03/01/2023 01:30:44 PM	Commissary Sale	Keefe Commissary	C104920077	\$161.94
03/12/2023 05:10:11 AM	GTL	Elizabeth Rodriguez		\$50.00
03/15/2023 01:30:58 AM	Commissary Sale	Keefe Commissary	C104942976	(\$51.73)
03/17/2023 05:10:09 AM	GTL	Tiffany Branham		\$75.00
03/22/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C104942976	(\$5.13)
03/29/2023 01:30:51 AM	Commissary Sale	Keefe Commissary	C104957017	(\$74.04)
04/01/2023 01:30:45 AM	Commissary Sale	Keefe Commissary	C104957017	\$2.53
04/04/2023 01:31:30 AM	Commissary Sale	Keefe Commissary	C104975205	(\$116.03)
04/05/2023 01:30:53 AM	Commissary Sale	Keefe Commissary	C104957017	\$71.51
04/12/2023 05:10:11 AM	GTL	Tiffany Branham		\$300.00
04/14/2023 01:31:29 AM	Commissary Sale	Keefe Commissary	C104975205	(\$21.04)
04/15/2023 05:10:12 AM	GTL	Tiffany Branham		\$50.00
04/16/2023 01:31:28 AM	Commissary Sale	Keefe Commissary	C104995966	(\$127.65)
04/18/2023 03:09:36 PM	Phone Credits	ViaPath Technologies		(\$10.00)
04/19/2023 05:10:09 AM	GTL	Elizabeth Rodriguez		\$60.00
04/19/2023 01:21:12 PM	Special Project/Fundraiser	MCF PBF Fundraiser		(\$10.00)
04/19/2023 07:40:10 PM	Kiosk Request	JPay Inc.		(\$10.00)
04/27/2023 07:40:12 PM	Kiosk Request	JPay Inc.		(\$10.00)

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

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 02:45:35 PM	Access Catalog Disbursement	Access Catalog		(\$95.88)	\$189.96	MCF	
05/04/2023 03:35:15 PM	Miscellaneous Vendor Check	Walkenhorts		(\$18.01)	\$151.95	MCF	
05/08/2023 04:09:50 PM	Phone Credit	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	C1050403881	(\$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	(\$90.83)	\$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 Disp	Mikes 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	(\$7.13)	\$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	Herschners		(\$113.41)	\$194.00	MCF	

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

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	GPA	Elizabeth Rodriguez			\$40.00	\$222.02	COF
07/21/2023 01:31:23 AM	Commissary Sale	Keefe Commissary	C105126302			\$9.00	\$231.02
07/21/2023						\$1,747.33 (\$1,563.31)	\$231.02

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

Date Held	Hold Type	Notes	Amount
No Activity			

Description	Paid To	Max Per Period	Ordered	Transfer	Outside Source	Held	Paid	Written Off	Total Remaining
No Remaining Obligations									Total: \$0.00