

23-5545

SUPREME COURT OF THE UNITED STATES

ORIGINAL

ROBERT K. DECKER,

Plaintiff-Petitioner,

v.

FEDERAL BUREAU OF PRISONS,

Defendant-Respondent.

FILED
JUL 27 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

NOTICE OF MOTION TO PROCEED INFORMA PAUPERIS

AND FOR ASSIGNMENT OF COUNSEL

The Petitioner, Robert K. Decker, hereinafter, "Mr. Decker" humbly moves this Honorable Court for a Court Order to proceed as an Indigent, pursuant to Informa Pauperis, 28 U.S.C. §1915(a), on the following grounds:

1. The Plaintiff-Petitioner, Robert K. Decker, hereinafter, "Mr. Decker" is presently incarcerated at the Marion United States Penitentiary in Marion Illinois and he is proceeding pro se, until assigned counsel.
2. Mr. Decker has been previously granted informa pauperis status in the United States District Court, see docket number: 6 of the case no. 2:21-cv-00253-JPH-MJD.
3. Mr. Decker was again granted informa pauperis status in the filing of the Notice of Appeal, see docket number: 52, of the same case no. 2:21-cv-00253-JPH-MJD and Seventh Circuit docket number: 22-2475.

4. Mr. Decker's financial status has not changed and he is still unable to pay any filing fee that may be associated with this case.

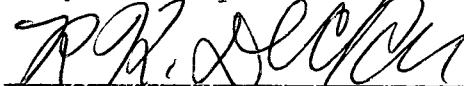
5. Mr. Decker does not own anything worth any tangible value and he does not own any cars, property, bank accounts, stocks, jewelry, or anything that may be worth anything.

6. Mr. Decker presently is paying 40% of any monies that he may receive from friends or family to filing fees associated with cases in the Seventh Circuit Court of Appeals and the United States District Court, Southern District of Indiana.

7. Mr. Decker is also moving this Honorable Court to assign counsel in the above entitled case on the grounds that he is unable to litigate this matter to the full potential that this matter may require.

WHEREFORE, Mr. Decker is moving this Honorable Court to issue a court order, ordering that he be allowed to proceed *informa pauperis* in this matter and to assign counsel to represent him in this endeavor and for any other relief that this Honorable Court may deem fair and correct.

Respectfully submitted,



Robert K. Decker #51719-074
USP Marion, PO Box 1000
4500 Prison Road
Marion, IL 62959

Dated: July 3, 2023

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

I, Robert T. Decker # 51719-074, 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	\$ <u> </u>	\$ <u>N/A</u>	\$ <u>17.00</u>	\$ <u>N/A</u>
Self-employment <i>Prison Job</i>	\$ <u>204.00</u>	\$ <u>N/A</u>	\$ <u>17.00</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>Friends</u>	<u>undeter- mined</u>	\$ <u>N/A</u>	\$ <u>Unknown</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>17.00</u>	\$ <u>0</u>	\$ <u>17.00</u>	\$ <u>0</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
<i>None</i>	_____	_____	\$_____
	_____	_____	\$_____
	_____	_____	\$_____

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
<i>None</i>	_____	_____	\$_____
	_____	_____	\$_____
	_____	_____	\$_____

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
<i>None</i>	\$_____	\$_____
	\$_____	\$_____
	\$_____	\$_____

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

Home
 Value *None*

Other real estate
 Value *None*

Motor Vehicle #1
 Year, make & model *None*
 Value _____

Motor Vehicle #2
 Year, make & model *N/A*
 Value _____

Other assets
 Description *None*
 Value _____

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
<u>None</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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	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>N/A</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>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>N/A</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>None</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>None</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>None</u>	\$ <u>N/A</u>
Life	\$ <u>None</u>	\$ <u>N/A</u>
Health	\$ <u>None</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>None</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>None</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>N/A</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ROBERT K. DECKER,)
Plaintiff,)
v.)
FEDERAL BUREAU OF PRISONS,)
Defendant.)
No. 2:21-cv-00253-JPH-MJD

ORDER GRANTING MOTIONS TO PROCEED ON APPEAL *IN FORMA PAUPERIS*

The plaintiff's motions for leave to proceed *in forma pauperis*, dkt. [44] and dkt. [50], are granted. The plaintiff's trust account information reflects that he lacks sufficient funds to pay an initial partial filing fee. Title 28 U.S.C. § 1915(b)(4) provides that a prisoner shall not be prohibited from appealing a civil judgment "for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee." Accordingly, no initial partial filing fee is due.

Although the plaintiff is excused from *pre*-paying the full filing fee, he still must pay the five hundred and five (\$505.00) appellate filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. *See* 28 U.S.C. § 1915(b)(1) ("the prisoner shall be required to pay the full amount of a filing fee.").

SO ORDERED.

Date: 10/3/2022

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana