

23-5774

No. 23A239

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
OCT 04 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Andres F. Cabezas — PETITIONER
(Your Name)

VS.

United States District Court
for the Middle District of Florida RESPONDENT(S)

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*.

Please check the appropriate boxes:

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

United States Court of Appeals for the Ninth Circuit

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.


(Signature)

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

I, Andres Cascoar, 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>68</u>	\$ <u>NA</u>	\$ <u>70</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Gifts	\$ <u>233</u>	\$ <u>NA</u>	\$ <u>200</u>	\$ <u>NA</u>
Alimony	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Child Support	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>301</u>	\$ <u>NA</u>	\$ <u>270</u>	\$ <u>NA</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
FCC BOP	FCC Coleman-Law	Prison	\$ 70.00
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

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
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

4. How much cash do you and your spouse have? \$ 4.53

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
Trust Fund (BOP)	\$ 4.53	\$ NA
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA

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

Home
Value NA

Other real estate
Value NA

Motor Vehicle #1
Year, make & model NA
Value NA

Motor Vehicle #2
Year, make & model NA
Value NA

Other assets
Description NA
Value NA

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
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA

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
NA	NA	NA
NA	NA	NA
NA	NA	NA

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)	\$ 0	\$ NA
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)	\$ 0	\$ NA
Home maintenance (repairs and upkeep)	\$ 0	\$ NA
Food	\$ 150	\$ NA
Clothing	\$ 30	\$ NA
Laundry and dry-cleaning	\$ 0	\$ NA
Medical and dental expenses	\$ 57	\$ NA

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ N/A
Life	\$ 0	\$ N/A
Health	\$ 0	\$ N/A
Motor Vehicle	\$ 0	\$ N/A
Other: _____	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 0	\$ N/A
Department store(s)	\$ 0	\$ N/A
Other: <u>Fnp</u>	\$ 25	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify): <u>Prmng fees</u>	\$ 31	\$ N/A
Total monthly expenses:	\$ 293	\$ N/A

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

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 a federal prisoner

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

Executed on: October 4, 2023

Lev Lyle
(Signature)

Date: 10/04/2023
Time: 05:37:41 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
10/03/2023	TL1003	TRUL Withdrawal		-\$2.00
10/01/2023	TL1001	TRUL Withdrawal		-\$5.00
09/21/2023	TL0921	TRUL Withdrawal		-\$2.00
09/15/2023	TL0915	TRUL Withdrawal		-\$2.00
09/15/2023	TL0915	TRUL Withdrawal		-\$2.00
09/13/2023	156	Sales		-\$81.00
09/13/2023	TL092023	Pre-Release Transaction		\$65.00
09/09/2023	TL0909	TRUL Withdrawal		-\$2.00
09/08/2023	YFRP0923	FRP Monthly Pymt		-\$25.00
09/08/2023	YIPP0823	Payroll - IPP		\$70.00
09/08/2023	YIPP0823	Pre-Release Transaction		-\$24.50
09/07/2023	116	Sales		-\$102.85
09/07/2023	TL092023	Pre-Release Transaction		\$50.00
09/05/2023	TL0905	TRUL Withdrawal		-\$5.00

Date: 10/04/2023
Time: 05:21:26 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
09/02/2023	TL0902	TRUL Withdrawal		-\$2.00
09/02/2023	33423245	Money Gram	CABEZAS	\$100.00
09/02/2023	33423245	Pre-Release Transaction		-\$35.00
09/01/2023	TL0901	TRUL Withdrawal		-\$5.00
08/31/2023	TL0831	TRUL Withdrawal		-\$2.00
08/31/2023	TL0831	TRUL Withdrawal		-\$5.00
08/26/2023	TL0826	TRUL Withdrawal		-\$5.00
08/23/2023	145	Sales		-\$68.75
08/23/2023	TL082023	Pre-Release Transaction		\$70.00
08/23/2023	TL0823	TRUL Withdrawal		-\$5.00
08/18/2023	TL0818	TRUL Withdrawal		-\$5.00
08/16/2023	121	Sales		-\$66.90
08/15/2023	TL0815	TRUL Withdrawal		-\$2.00
08/15/2023	33423227	Money Gram	CABEZAS	\$100.00
08/15/2023	33423227	Pre-Release Transaction		-\$35.00
08/11/2023	TL0811	TRUL Withdrawal		-\$5.00
08/09/2023	242	Sales		-\$77.60
08/08/2023	TL082023	Pre-Release Transaction		\$90.00
08/08/2023	TL0808	TRUL Withdrawal		-\$2.00
08/05/2023	TL0805	TRUL Withdrawal		-\$5.00
08/04/2023	TL0804	TRUL Withdrawal		-\$5.00
08/04/2023	YFRP0823	FRP Monthly Pymt		-\$25.00
08/04/2023	YIPP0723	Payroll - IPP		\$90.00
08/04/2023	YIPP0723	Pre-Release Transaction		-\$31.50

Date: 10/04/2023
Time: 05:04:29 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
08/02/2023	110	Sales		-\$19.80
07/26/2023	133	Sales		-\$72.20
07/25/2023	33423206	Money Gram	CABEZAS	\$100.00
07/25/2023	33423206	Pre-Release Transaction		-\$35.00
07/23/2023	TL0723	TRUL Withdrawal		-\$2.00
07/22/2023	TL0722	TRUL Withdrawal		-\$5.00
07/22/2023	TL0722	TRUL Withdrawal		-\$5.00
07/19/2023	93	Sales		-\$81.80
07/18/2023	33423199	Money Gram	CABEZAS	\$200.00
07/18/2023	33423199	Pre-Release Transaction		-\$70.00
07/16/2023	TL0716	TRUL Withdrawal		-\$5.00
07/14/2023	TL0714	TRUL Withdrawal		-\$5.00
07/13/2023	TFN0713	Phone Withdrawal		-\$6.00
07/13/2023	TL072023	Pre-Release Transaction		\$10.00
07/13/2023	TL0713	TRUL Withdrawal		-\$2.00
07/12/2023	232	Sales		-\$35.85
07/10/2023	TL0710	TRUL Withdrawal		-\$2.00
07/07/2023	TL0707	TRUL Withdrawal		-\$5.00
07/07/2023	YFRP0723	FRP Monthly Pymt		-\$25.00
07/07/2023	YIPP0623	Payroll - IPP		\$70.00
07/07/2023	YIPP0623	Pre-Release Transaction		-\$24.50
07/05/2023	114	Sales		-\$76.80
07/05/2023	TL072023	Pre-Release Transaction		\$20.00
07/05/2023	33423186	Money Gram	CABEZAS	\$100.00
07/05/2023	33423186	Pre-Release Transaction		-\$35.00

Date: 10/04/2023
Time: 04:48:40 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
07/02/2023	TL0702	TRUL Withdrawal		-\$5.00
06/28/2023	117	Sales		-\$74.55
06/28/2023	TL062023	Pre-Release Transaction		\$20.00
06/27/2023	33423178	Money Gram	CABEZAS	\$100.00
06/27/2023	33423178	Pre-Release Transaction		-\$35.00
06/25/2023	TL0625	TRUL Withdrawal		-\$5.00
06/24/2023	TL0624	TRUL Withdrawal		-\$5.00
06/21/2023	236	Sales		-\$73.90
06/21/2023	TL062023	Pre-Release Transaction		\$30.00
06/19/2023	TL0619	TRUL Withdrawal		-\$5.00
06/14/2023	196	Sales		-\$86.60
06/12/2023	33423163	Money Gram	CABEZAS	\$200.00
06/12/2023	33423163	Pre-Release Transaction		-\$70.00
06/09/2023	YFRP0623	FRP Monthly Pymt		-\$25.00
06/09/2023	YIPP0523	Payroll - IPP		\$58.80
06/09/2023	YIPP0523	Pre-Release Transaction		-\$20.58
06/09/2023	TL0609	TRUL Withdrawal		-\$5.00
06/06/2023	172	Sales		-\$45.65
06/05/2023	TL0605	TRUL Withdrawal		-\$2.00

Date: 10/04/2023
Time: 04:32:41 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
06/01/2023	TL0601	TRUL Withdrawal		-\$2.00
05/31/2023	33423151	Money Gram	CABEZAS	\$100.00
05/31/2023	33423151	Pre-Release Transaction		-\$35.00
05/31/2023	TL0531	TRUL Withdrawal		-\$2.00
05/25/2023	TL0525	TRUL Withdrawal		-\$5.00
05/24/2023	TL0524	TRUL Withdrawal		-\$2.00
05/22/2023	TL0522	TRUL Withdrawal		-\$5.00
05/21/2023	TL0521	TRUL Withdrawal		-\$2.00
05/20/2023	TL0520	TRUL Withdrawal		-\$5.00
05/18/2023	143	Sales		-\$68.35
05/17/2023	33423137	Money Gram	CABEZAS	\$100.00
05/17/2023	33423137	Pre-Release Transaction		-\$35.00
05/17/2023	TL0517	TRUL Withdrawal		-\$5.00
05/15/2023	TL0515	TRUL Withdrawal		-\$2.00
05/14/2023	TL0514	TRUL Withdrawal		-\$2.00
05/13/2023	TL0513	TRUL Withdrawal		-\$5.00
05/13/2023	TL0513	TRUL Withdrawal		-\$2.00
05/11/2023	97	Sales		-\$85.00
05/09/2023	33423129	Money Gram	CABEZAS	\$100.00
05/09/2023	33423129	Pre-Release Transaction		-\$5.00
05/05/2023	TL0505	TRUL Withdrawal		-\$2.00
05/05/2023	YFRP0523	FRP Monthly Pymt		-\$25.00
05/05/2023	YIPP0423	Payroll - IPP		\$58.80

Date: 10/04/2023
Time: 04:16:21 PM

Location: COA

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 68854018 Inmate Name: CABEZAS, ANDRES FERNANDO			Available Balance: \$4.53	
Date	Reference #	Transaction Type	Sender Last name	Amount
05/03/2023	TL0503	TRUL Withdrawal		-\$2.00
05/02/2023	TL0502	TRUL Withdrawal		-\$2.00
05/01/2023	TL0501	TRUL Withdrawal		-\$2.00
04/28/2023	TL0428	TRUL Withdrawal		-\$2.00
04/27/2023	TL0427	TRUL Withdrawal		-\$2.00
04/26/2023	118	Sales		-\$83.25
04/25/2023	33423115	Money Gram	CABEZAS	\$100.00
04/25/2023	33423115	Pre-Release Transaction		-\$5.00
04/22/2023	TL0422	TRUL Withdrawal		-\$10.00
04/19/2023	93	Sales		-\$83.25
04/18/2023	33423108	Money Gram	CABEZAS	\$100.00
04/18/2023	33423108	Pre-Release Transaction		-\$5.00
04/18/2023	TL0418	TRUL Withdrawal		-\$5.00
04/17/2023	TL0417	TRUL Withdrawal		-\$5.00
04/12/2023	TL0412	TRUL Withdrawal		-\$5.00
04/12/2023	TL042023	Pre-Release Transaction		\$20.00
04/11/2023	31	Sales		-\$50.85
04/07/2023	YFRP0423	FRP Monthly Pymt		-\$25.00
04/07/2023	YIPP0323	Payroll - IPP		\$58.80
04/04/2023	39	Sales		-\$88.45
04/04/2023	TL0404	TRUL Withdrawal		-\$2.00