

23-5912

ORIGINAL

U.S.C.A. - 7th Circuit
RECEIVED

No. 1:20-CR-00062(1)

AUG 21 2023 2

IN THE
SUPREME COURT OF THE UNITED STATES
AUGUST TERM 2023

FILED
OCT 18 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

DARRELL CATHEY — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA 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):

☒ 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.

Darrell Cathey
(Signature)

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

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

4. How much cash do you and your spouse have? \$ N/A
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
N/A	\$ N/A	\$ N/A

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

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☒ Other assets
Description Account Inquiry is Enclosed
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

N/A

\$ N/A

\$ N/A

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

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)

\$ N/A

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ N/A

\$ N/A

Home maintenance (repairs and upkeep)

\$ N/A

\$ N/A

Food

\$ N/A

\$ N/A

Clothing

\$ N/A

\$ N/A

Laundry and dry-cleaning

\$ N/A

\$ N/A

Medical and dental expenses

\$ N/A

\$ N/A

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

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? _____

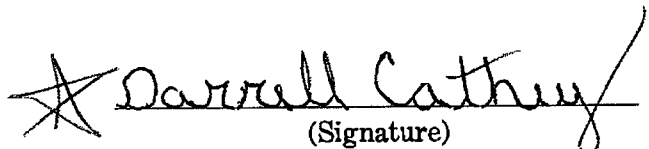
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I AM Without funds to PAY the cost for
this CASE

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

Executed on: 8-8-23, 2023


(Signature)

Inmate Inquiry



Inmate Reg #: 54921424
 Inmate Name: CATHEY, DARRELL
 Report Date: 07/24/2023
 Report Time: 5:08:46 PM
 Current Institution: Big Sandy USP
 Housing Unit: BSY-C-A
 Living Quarters: C02-220L

General Information | Account Balances | Commissary History | Commissary Restrictions | Comments
General Information

Administrative Hold Indicator: No
 No Power of Attorney: No
 Never Waive NSF Fee: No
 Max Allowed Deduction %: 100
 PIN: 3968
 PAC #: 308756941
 Revalidation Date: 4th
 FRP Participation Status: Completed
 Arrived From: ATL
 Transferred To:
 Account Creation Date: 10/27/2021
 Local Account Activation Date: 5/20/2022 3:18:36 AM
 Sort Codes:
 Last Account Update: 7/15/2023 12:11:50 AM
 Account Status: Active
 Phone Balance: \$0.00

*Prepared by MM
 S. Jackwood / S. Johnson
 7-24-23
 3 pages*

Pre-Release Plan Information

Target Pre-Release Account Balance: \$0.00
 Pre-Release Deduction %: 0%
 Income Categories to Deduct From: ☒ Payroll ☒ Outside Source Funds

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

Account Balance:	\$0.32
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$0.00
Other Encumbrances:	\$0.00
Outstanding Negotiable Instruments:	\$0.00
Administrative Hold Balance:	\$0.00
Available Balance:	\$0.32
National 6 Months Deposits:	\$1,370.00

*★ EXHIBIT IN
 SUPPORT OF
 INDIGENCE !!*

National 6 Months Withdrawals: \$1,438.70
Available Funds to be considered for IFRP Payments: \$920.00
National 6 Months Avg Daily Balance: \$94.04
Local Max. Balance - Prev. 30 Days: \$84.47
Average Balance - Prev. 30 Days: \$6.12

Commissary History

Purchases

Validation Period Purchases: \$0.00
YTD Purchases: \$2,057.90
Last Sales Date: 6/27/2023 8:46:32 AM

SPO Information

SPO's this Month: 0
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: No
Bi-Weekly Revalidation: Yes
Spending Limit: \$180.00
Expended Spending Limit: \$0.00
Remaining Spending Limit: \$180.00

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Active
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Comments

Comments: