

23-6014

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

NOV - 9 2023

OFFICE OF THE CLERK

CURTIS CONWAY BAILEY PETITIONER  
(Your Name)

VS.

BRYAN MORRISON, WARDEN 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 DISTRICT COURT FOR THE EASTERN DISTRICT OF  
MICHIGAN, 2023 U.S. DIST. LEXIS 23294 (FEB. 10, 2023)

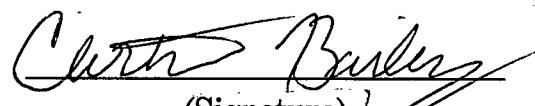
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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)

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

I, CURTIS BAILEY, 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>17.64</u>	\$ <u>N/A</u>	\$ <u>17.64</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Gifts	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Child Support	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Other (specify): <u>FAMILY</u> <u>From 5/1/23 to 11/3/23</u>	\$ <u>234.57</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	<u>\$ 252.21</u>	\$ <u>N/A</u>	\$ <u>17.64</u>	\$ <u>N/A</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
<u>MDOC</u>	<u>LAKELAND</u>	<u>10/31/22 - 11/9/23</u>	<u>\$ 17.64</u>
			<u>\$</u>
			<u>\$</u>
			<u>\$</u>

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
			<u>\$</u>
			<u>\$</u>
			<u>\$</u>

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
<u>PRISON TRUST ACCOUNT</u>	<u>\$ 410.35</u>	<u>\$ N/A</u>
	<u>\$</u>	<u>\$ N/A</u>
	<u>\$</u>	<u>\$ N/A</u>

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 \_\_\_\_\_  
 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>	\$ <u>0.00</u>	\$ <u>N/A</u>
	\$ _____	\$ <u>N/A</u>
	\$ _____	\$ <u>N/A</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>	<u>N/A</u>	<u>N/A</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>0.00</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>0.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>N/A</u>
Food	\$ <u>0.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>0.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0.00</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ N/A
Life	\$ 0.00	\$ N/A
Health	\$ 0.00	\$ N/A
Motor Vehicle	\$ 0.00	\$ N/A
Other: <u>NONE</u>	\$ 0.00	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ 0.00	\$ N/A
Installment payments		
Motor Vehicle	\$ 0.00	\$ N/A
Credit card(s)	\$ 0.00	\$ N/A
Department store(s)	\$ 0.00	\$ N/A
Other: <u>NONE</u>	\$ 0.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0.00	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ N/A
Other (specify): <u>NONE</u>	\$ 0.00	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 0.00</b>	<b>\$ N/A</b>

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 PRISONER INCARCERATED IN THE MICHIGAN  
DEPARTMENT OF CORRECTIONS. MY PRISON LABOR JOB PAYS  
ME \$0.84 PER DAY AND I AVERAGE 21 DAYS OF WORK EACH  
MONTH, GIVING ME \$17.64 TO SPEND EACH MONTH.

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

Executed on: NOVEMBER \_\_\_\_\_, 2023

  
(Signature)

FEDERAL COURT

Prisoner-Plaintiff/Petitioner/Appellant name and number  
Curtis Bailey #868268

Defendant's/Respondent's/Appellee's name  
Warden Bryan Morrison

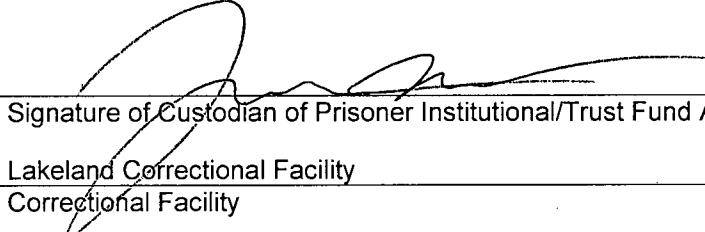
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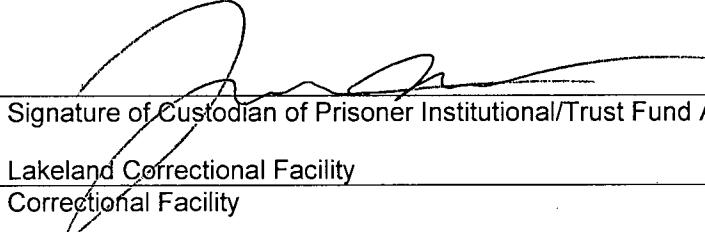
**CERTIFICATE OF PRISONER INSTITUTIONAL/TRUST FUND ACCOUNT ACTIVITY**

I am employed by the Michigan Department of Corrections at the facility identified below, at which the prisoner identified as 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. Code "C" on the printout represents a withdrawal from the account and code "D" represents a deposit to the account. The attached printout reflects, for the reported period, an average monthly account deposit (i.e., total deposits divided by number of months) of \$294.16, an average monthly account balance (i.e., total deposits minus total withdrawals divided by number of months) of \$-8.98. There is a current spendable account balance of \$410.35.

Date: 11/31/23

  
Signature of Custodian of Prisoner Institutional/Trust Fund Account

  
Lakeland Correctional Facility  
Correctional Facility

## Daily Transaction Summary: May 01, 2023 - November 03, 2023

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### Offender Information

Offender Number: 0868268  
 Offender Name: Bailey, Curtis Conway  
 Account Status: Open

Institution: LCF  
 Housing Facility: LCF  
 Tier: F2

Living Unit: F2  
 Cell: 098  
 Bed: Bot

Primary Balance: \$410.35  
 Available Balance: \$410.35

### Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
05/01/2023						\$464.22	
05/02/2023 02:50:14 PM	Dental Co-Pay Disbursement	Health Care Co-Pay	DEN LCF DOS 4:11:23	(\$5.00)	\$459.22	LCF	
05/03/2023 05:10:12 AM	GTL	Sennie McKinley		\$50.00		\$509.22	COF
05/09/2023 08:36:48 AM	Legal Stamps	LCF Institutional Services	LCF Lgl Stp 5:9:23	(\$0.60)	\$508.62	LCF	
05/09/2023 08:36:59 AM	Legal Stamps	LCF Institutional Services	LCF Lgl Stp 5:9:23	(\$0.60)	\$508.02	LCF	
05/11/2023 01:31:27 AM	Commissary Sale	Keefe Commissary	C105033647	(\$28.38)	\$479.64	LCF	
05/12/2023 07:04:17 AM	LCF-Institutional Services	500 - Institutional Services		\$9.24		\$488.88	LCF
05/12/2023 07:40:16 PM	Kiosk Request	JPay Inc.		(\$14.56)		\$474.32	COF
05/16/2023 12:57:36 PM	Vendor Refund	Union Supply Group		\$44.41		\$518.73	COF
05/18/2023 01:31:32 AM	Commissary Sale	Keefe Commissary	C105033647	\$1.00		\$519.73	LCF
05/25/2023 01:31:03 AM	Commissary Sale	Keefe Commissary	C105056314	(\$91.96)		\$427.77	LCF
05/25/2023 01:16:25 PM	Mike's Better Shoes Disb.	Mikes Better Shoes	boots	(\$152.08)		\$275.69	LCF
05/27/2023 05:10:12 AM	GTL	cheryl viar		\$110.00		\$385.69	COF
06/06/2023 01:31:23 AM	Commissary Sale	Keefe Commissary	C105056314	\$1.54		\$387.23	LCF
06/08/2023 01:31:15 AM	Commissary Sale	Keefe Commissary	C105077647	(\$113.03)		\$274.20	LCF
06/10/2023 05:10:12 AM	GTL	Sennie McKinley		\$100.00		\$374.20	COF
06/14/2023 07:36:17 AM	LCF-Institutional Services	500 - Institutional Services		\$8.82		\$383.02	LCF
06/17/2023 01:30:57 AM	Commissary Sale	Keefe Commissary	C105077647	\$3.45		\$386.47	LCF
06/20/2023 10:51:26 AM	Mike's Better Shoes Disb.	Mikes Better Shoes	shoes	(\$89.48)		\$296.99	LCF
06/21/2023 05:10:11 AM	GTL	cheryl viar		\$137.00		\$433.99	COF
06/22/2023 01:31:17 AM	Commissary Sale	Keefe Commissary	C105100715	(\$88.77)		\$345.22	LCF
06/25/2023 05:10:10 AM	GTL	cheryl viar		\$295.00		\$640.22	COF
07/05/2023 05:10:09 AM	GTL	Sennie McKinley		\$80.00		\$720.22	COF
07/06/2023 01:31:00 AM	Commissary Sale	Keefe Commissary	C105121074	(\$124.43)		\$595.79	LCF
07/10/2023 02:42:05 PM	Dental Co-Pay Disbursement	Health Care Co-Pay	LCF DEN DOS 6:16:23	(\$5.00)		\$590.79	LCF
07/15/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C22138948	(\$127.63)		\$463.16	LCF
07/15/2023 01:30:55 AM	Commissary Sale	Keefe Commissary	C105121074	\$11.20		\$474.36	LCF
07/16/2023 07:40:11 PM	Kiosk Request	JPay Inc.		(\$15.66)		\$458.70	COF
07/17/2023 07:26:45 AM	LCF-Institutional Services	500 - Institutional Services		\$9.24		\$467.94	LCF
07/17/2023 07:40:11 PM	Kiosk Request	JPay Inc.		(\$10.99)		\$456.95	COF
07/18/2023 04:04:28 PM	Special Project/Fundraiser	LCF PBF Fundraiser	LCF Fundraiser 7/18	(\$13.50)		\$443.45	LCF

## Daily Transaction Summary (0868268 - Curtis Bailey cont.): May 01, 2023 - November 03, 2023

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Primary Trust Transactions		Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
07/20/2023 01:31:07 AM	Commissary Sale	Keefe Commissary	C105143200			(\$124.95)	\$318.50	LCF
07/27/2023 01:31:01 AM	Commissary Sale	Keefe Commissary	C105143200			\$11.72	\$330.22	LCF
07/30/2023 07:40:11 PM	Kiosk Request	JPay Inc.				(\$7.49)	\$322.73	COF
08/03/2023 01:30:58 AM	Commissary Sale	Keefe Commissary	C105163825			(\$124.69)	\$198.04	LCF
08/04/2023 05:10:13 AM	GTL	Sennie McKinley			\$50.00		\$248.04	COF
08/08/2023 08:25:50 AM	GTL	cheryl viar			\$300.00		\$548.04	COF
08/09/2023 05:10:12 AM	GTL	cheryl viar			\$300.00		\$848.04	COF
08/14/2023 07:13:20 AM	LCF-Institutional Services	500 - Institutional Services			\$10.92		\$858.96	LCF
08/14/2023 07:13:20 AM	LCF-Institutional Services	500 - Institutional Services			\$3.36		\$862.32	LCF
08/17/2023 01:31:11 AM	Commissary Sale	Keefe Commissary	C105186813			(\$124.42)	\$737.90	LCF
08/28/2023 10:59:36 AM	JL Marcus Disbursement	Jack L Marcus	fan, cap, boxers			(\$72.38)	\$665.52	LCF
08/31/2023 01:31:15 AM	Commissary Sale	Keefe Commissary	C105209134			(\$80.10)	\$585.42	LCF
08/31/2023 08:21:03 AM	Legal Stamps	LCF Institutional Services	LCF Lgl Pst 8.31.23			(\$11.35)	\$574.07	LCF
09/09/2023 05:10:12 AM	GTL	Sennie McKinley			\$50.00		\$624.07	COF
09/12/2023 01:32:29 AM	Commissary Sale	Keefe Commissary	C1052228224			(\$59.84)	\$564.23	LCF
09/13/2023 11:00:38 AM	UPS Charges	LCF Institutional Services	LCF UPS 9.13.23			(\$11.83)	\$552.40	LCF
09/13/2023 03:20:52 PM	Legal Copies Disbursement	LCF PBF Copies	LCF LGL COPY 8.29.23			(\$15.20)	\$537.20	LCF
09/15/2023 09:32:20 AM	LCF-Institutional Services	500 - Institutional Services			\$18.48		\$555.68	LCF
09/28/2023 11:13:26 PM	Commissary Sale	Keefe Commissary	C65615			(\$111.07)	\$444.61	LCF
09/30/2023 07:40:11 PM	Kiosk Request	JPay Inc.				(\$3.19)	\$441.42	COF
10/01/2023 07:40:10 PM	Kiosk Request	JPay Inc.				(\$15.98)	\$425.44	COF
10/05/2023 05:10:11 AM	GTL	Sennie McKinley			\$65.00		\$490.44	COF
10/13/2023 09:47:47 AM	LCF-Institutional Services	500 - Institutional Services			\$18.48		\$508.92	LCF
10/13/2023 11:09:18 PM	Commissary Sale	Keefe Commissary	C86405			(\$40.13)	\$468.79	LCF
10/17/2023 07:40:12 PM	Kiosk Request	JPay Inc.				(\$15.93)	\$452.86	COF
10/18/2023 07:40:10 PM	Kiosk Request	JPay Inc.				(\$15.91)	\$436.95	COF
10/21/2023 05:10:10 AM	GTL	Sennie McKinley			\$25.00		\$461.95	COF
10/27/2023 11:08:48 PM	Commissary Sale	Keefe Commissary	C107963			(\$131.60)	\$330.35	LCF
11/03/2023 05:10:12 AM	GTL	Sennie McKinley			\$80.00		\$410.35	COF
11/03/2023						\$1,764.95	(\$1,818.82)	\$410.35
Savings		Date			Deposit	Expense	Balance	Loc Code
05/01/2023	No Activity						\$0.00	
11/03/2023							\$0.00	

**Daily Transaction Summary (0868268 - Curtis Bailey cont.): May 01, 2023 - November 03, 2023**

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Holds	Current as of Date and Time of Report	Amount
Date Held	Hold Type	Notes
<b>Remaining Obligations - Current as of Date and Time of Report</b>		
Description	Paid To	Max Per Period
No Remaining Obligations		
		Total: \$0.00