

23-6572

No. _____

FILED
AUG 16 2023

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

MARK E. SELLS — PETITIONER
(Your Name)

VS.

UNITED STATES — RESPONDENT(S)

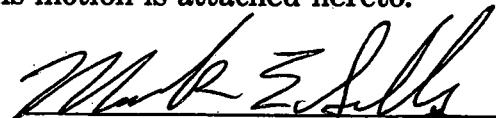
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

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.



(Signature)

8-7-2023

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

I, Mark E. Sells, 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	\$ 21.46	\$ N/A	\$ 21.46	\$ N/A
Self-employment	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Income from real property (such as rental income)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Interest and dividends	\$ 0.10	\$ N/A	\$ 0.10	\$ N/A
Gifts	\$ 2.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Child Support	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Disability (such as social security, insurance payments)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Unemployment payments	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Public-assistance (such as welfare)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Other (specify): _____	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Total monthly income:	\$ 23.56	\$ N/A	\$ 21.56	\$ N/A

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>Inmate Tutor</u>	<u>GEO Corr. Facility 8607 S. E. Flower mound Rd Lawton, OK 73501</u>	<u>12-11-21 to Current</u>	<u>\$ 30.00</u>
<u>No Job</u>		<u>3-10-21 to 12-0-21</u>	<u>\$ 0.00</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>\$</u>
			<u>\$</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ 85.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>Navy Fed. Credit Un.</u>	<u>Checking</u>	<u>\$ 69.84</u>	<u>\$ N/A</u>
<u>Navy Fed Credit Un</u>	<u>Savings</u>	<u>\$ 13.11</u>	<u>\$ N/A</u>
		<u>\$</u>	<u>\$</u>

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

Home None
Value _____

Other real estate None
Value _____

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

Motor Vehicle #2 None
Year, make & model _____
Value _____

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

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</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>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>15.00</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>1.00</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 1.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ N/A	\$ N/A
Life	\$ N/A	\$ N/A
Health	\$ 1.00	\$ N/A
Motor Vehicle	\$ N/A	\$ N/A
Other: _____	\$ N/A	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ N/A	\$ N/A
Installment payments		
Motor Vehicle	\$ N/A	\$ N/A
Credit card(s)	\$ N/A	\$ N/A
Department store(s)	\$ N/A	\$ N/A
Other: _____	\$ N/A	\$ N/A
Alimony, maintenance, and support paid to others	\$ N/A	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ N/A	\$ N/A
Other (specify): <u>Misc.</u>	\$ 1.00	\$ N/A
Total monthly expenses:	\$ 19.00	\$ 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 have NO money left and I still owe several thousand dollars in Federal and State, Court fees and fines.

Federal case no 04-CR-597-TCK, N.D. Okla. 2004

State [Oklahoma] CR-2004-239, Washington County, OK. 2004 (Attach A)

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

Executed on: August 7th, 2023

Mark E Sells

(Signature)

District Court of
Washington County, Oklahoma

Case No. CF-2004-239

ATTACHMENT A

The above Defendant is ordered by the attached Judgment and Sentence to repay the Court Fund of Washington County the following dollar amounts representing fines, costs and assessments resulting from his/her conviction. Monies collected shall be applied to the balance due in the order of priority listed on this Attachment. All fines, costs and assessments are due and owing from date of Sentencing. The Defendant must reappear in this Court for further proceedings within thirty (30) days upon release. Costs, such as appellate proceedings, issuance of bench warrants and transportation costs, may continue to accrue after judgment and sentence. Additional costs may be certified by the Court Clerk as they accrue.

SCHEDULE OF REIMBURSEMENT

	COUNT 1:	COUNT 2:	COUNT 3:	COUNT 4:	COUNT 5:
1. Court costs	<u>480.50</u>	<u>480.50</u>			
2. BPD/DPD					
3. Fines	<u>1000.00</u>	<u>500.00</u>			
4. Victims Comp AIDS	<u>500.00</u>	<u>100.00</u>			
5. Attorney Fees	<u>1000.00</u>				
6. County Sheriff	<u>60.00</u>				
7. DA Fee	<u>25.00</u>	<u>25.00</u>			
8. C.L.E.E.T/PAX	<u>9.00</u>	<u>9.00</u>			
9. A.F.I.S./AFIX	<u>5.00</u>	<u>5.00</u>			
10. Forensic fee	<u>5.00</u>	<u>5.00</u>			
11. MLRF	<u>10.00</u>	<u>10.00</u>			
12. TCRF					
13. OSBI lab fees					
14. DPS					
15. Restitution					
16. Drug Abuse Ed					
17. BOJ					
TOTAL:	<u>4229.00</u>	<u>1134.50</u>			

Janeil P. DeLaney
Judge of the District Court

I certify that the forgoing figures are true and accurate to the best of my knowledge.

Date: Oct. 21, 2006

MARTHA MERSCH, COURT CLERK

GINA SWAN

DEPUTY CLERK

1. Martha Morsch, Court Clerk for Washington County, telephone
669-4411, certify that the foregoing is a true, correct and full copy of
the instrument before me set out as officers of record in the Court
of Common Pleas, Washington County, Ohio, on the 10th day of
January, 1986.

REQUIRED CERTIFICATION

You must attach to this motion and affidavit a certified copy of your institutional account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this action. You must obtain the certified copy of your institutional account statement from the appropriate official of each penal institutional at which you are, or were, confined during the six-month period immediately preceding the filing of this action.

STATEMENT OF INSTITUTIONAL ACCOUNTS

I hereby certify that on August 8th, 2023, Mark E. Sells had
(Date) (Name of Prisoner)
\$ -91.90 in his institutional draw account and \$ 114.23 in his mandatory savings account. I further certify that the average monthly deposits to the prisoner's account(s) for the six-month period immediately preceding the following of this action was: \$ 28.17 x 20% = \$ 5.64. The average monthly balance in the prisoner's accounts for the six-month period immediately preceding the filing of this action was: \$ -67.01 x 20% = \$ -13.41. I further certify that the above referenced amounts were calculated from the prisoner's institutional account(s), a copy of which is attached hereto.

C. Cooper
(Authorized Prison Official)

Bookkeeper
(Title)

Inmate Account History

ID#: 546774

2/8/2023 - 8/8/2023

Name: SELLS, MARK E

Date of birth: 1963-03-21

Location: H4 - D - D104

Available	+ Encumbered	=Account Balance
-91.90	0.00	-91.90

Account activity:

Date	Transaction Type	Transaction Description	Amount	Resulting Balances		
				Available	Debt	Encumbered
2/21/2023	LEGAL POST IND	3 FIRST CLASS POSTAGE	12.97	0.00	12.97	0.00
2/21/2023	<LEGAL POST I>	3 FIRST CLASS POSTAGE	-12.97	-12.97	0.00	0.00
2/22/2023	EPR	OID:101467714-ComisaryPurch-Reg	-47.04	-60.01	0.00	0.00
2/25/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-61.01	0.00	0.00
2/25/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-62.01	0.00	1.00
2/25/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-61.01	0.00	0.00
3/1/2023	EPR	OID:101468843-ComisaryPurch-Reg	-18.03	-79.04	0.00	0.00
3/1/2023	PAYROLL	Payroll Transaction	27.09	-51.95	0.00	0.00
3/1/2023	<GARNISHMENT>	Payment for GARNISHMENT on 2020-05-14-11	-2.17	-54.12	-2.17	0.00
3/1/2023	STATE SAVE	Payroll Deduction	-5.42	-59.54	-2.17	0.00
3/8/2023	EPR	OID:101470246-ComisaryPurch-Reg	-16.23	-75.77	-2.17	0.00
3/14/2023	LEGALRCV	1 NOTARY SERVICE 3/13/23	1.00	-75.77	-1.17	0.00
3/14/2023	<LEGALRCV>	1 NOTARY SERVICE 3/13/23	-1.00	-76.77	-2.17	0.00
3/14/2023	LEGALRCV	1 COMPUTER PRINTING 3/13/23	0.25	-76.77	-1.92	0.00
3/14/2023	<LEGALRCV>	1 COMPUTER PRINTING 3/13/23	-0.25	-77.02	-2.17	0.00
3/15/2023	EPR	OID:101471924-ComisaryPurch-Reg	-14.22	-91.24	-2.17	0.00
3/28/2023	LEGALPOSTRCV	3 FIRST CLASS POSTAGE 3/27/23	3.24	-91.24	1.07	0.00
3/28/2023	<LEGALPOSTRCV>	3 FIRST CLASS POSTAGE 3/27/23	-0.66	-91.90	0.41	0.00
3/31/2023	LEGAL POST IND	3 FIRST CLASS POSTAGE 3/31/23	2.52	-91.90	2.93	0.00
3/31/2023	LEGAL POST IND	3 FIRST CLASS POSTAGE 3/31/23	1.89	-91.90	4.82	0.00
4/3/2023	PAYROLL	Payroll Transaction	27.09	-64.81	4.82	0.00
4/3/2023	<LEGAL POST I>	Payment for LEGAL POST IND on 2023-03-31	-2.52	-67.33	2.30	0.00
4/3/2023	<LEGAL POST I>	Payment for LEGAL POST IND on 2023-03-31	-1.89	-69.22	0.41	0.00
4/3/2023	<LEGALPOSTRCV>	Payment for LEGALPOSTRCV on 2023-03-28-1	-2.58	-71.80	-2.17	0.00
4/3/2023	STATE SAVE	Payroll Deduction	-5.42	-77.22	-2.17	0.00
4/3/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-78.22	-2.17	0.00
4/3/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-79.22	-2.17	1.00
4/3/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-78.22	-2.17	0.00
4/5/2023	EPR	OID:101475052-ComisaryPurch-Reg	-10.36	-88.58	-2.17	0.00

Inmate Account History

ID#: 546774

2/8/2023 - 8/8/2023

Name: SELLS, MARK E

Date of birth: 1963-03-21

Location: H4 - D - D104

			Available	+ Encumbered	=Account Balance
4/5/2023	LEGALPOSTRCV	3 FIRST CLASS POSTAGE	1.89	-88.58	-0.28 0.00
4/5/2023	<LEGALPOSTRCV>	3 FIRST CLASS POSTAGE	-1.89	-90.47	-2.17 0.00
4/5/2023	LEGALRCV	3 #10 PLAIN WHITE ENVELOPES	0.15	-90.47	-2.02 0.00
4/5/2023	<LEGALRCV>	3 #10 PLAIN WHITE ENVELOPES	-0.15	-90.62	-2.17 0.00
4/6/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-91.62	-2.17 0.00
4/6/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-92.62	-2.17 1.00
4/6/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-91.62	-2.17 0.00
4/12/2023	LEGAL POST IND	3 FIRST CLASS POSTAGE	4.38	-91.62	2.21 0.00
4/12/2023	<LEGAL POST I>	3 FIRST CLASS POSTAGE	-0.28	-91.90	1.93 0.00
4/13/2023	LEGALRCV	1 COPY OF 5 ORIGINAL	1.25	-91.90	3.18 0.00
4/24/2023	DEPMO	19451166126 A.S. MOODY	40.00	-51.90	3.18 0.00
4/24/2023	<LEGAL POST I>	Payment for LEGAL POST IND on 2023-04-12	-4.10	-56.00	-0.92 0.00
4/24/2023	<LEGALRCV>	Payment for LEGALRCV on 2023-04-13-10.35	-1.25	-57.25	-2.17 0.00
4/24/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-58.25	-2.17 0.00
4/24/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-59.25	-2.17 1.00
4/24/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-58.25	-2.17 0.00
4/24/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-59.25	-2.17 0.00
4/24/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-60.25	-2.17 1.00
4/24/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-59.25	-2.17 0.00
4/26/2023	EPR	OID:101478751-ComisaryPurch-Reg	-32.54	-91.79	-2.17 0.00
5/1/2023	PAYROLL	Payroll Transaction	27.09	-64.70	-2.17 0.00
5/1/2023	<GARNISHMENT>	Payment for GARNISHMENT on 2020-05-14-11	-2.17	-66.87	-4.34 0.00
5/1/2023	STATE SAVE	Payroll Deduction	-5.42	-72.29	-4.34 0.00
5/4/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-73.29	-4.34 0.00
5/4/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-74.29	-4.34 1.00
5/4/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-73.29	-4.34 0.00
5/7/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-74.29	-4.34 1.00
5/7/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-75.29	-4.34 1.00
5/7/2023		PHONE CALL CHARGE AUTHORIZATION	-1.00	-74.29	-4.34 0.00
5/10/2023	EPR	OID:101481523-ComisaryPurch-Reg	-12.26	-86.55	-4.34 0.00
5/24/2023	EPR	OID:101483765-ComisaryPurch-Reg	-3.92	-90.47	-4.34 0.00
5/28/2023	PHONE PURCHASE	PHONE TIME PURCHASE	-1.00	-91.47	-4.34 0.00
5/28/2023		PHONE CALL CHARGE AUTHORIZATION	1.00	-92.47	-4.34 1.00

Inmate Account History

ID#: 546774

2/8/2023 - 8/8/2023

Name: SELLS, MARK E

Date of birth: 1963-03-21

Location: H4 - D - D104

5/28/2023

			Available	+ Encumbered	= Account Balance
6/1/2023	PAYROLL	PHONE CALL CHARGE AUTHORIZATION	-1.00	-91.47	-4.34 0.00
6/1/2023	<GARNISHMENT>	Payroll Transaction	27.09	-64.38	-4.34 0.00
6/1/2023	STATE SAVE	Payment for GARNISHMENT on 2020-05-14-11	-2.17	-66.55	-6.51 0.00
6/1/2023	EPR	Payroll Deduction	-5.42	-71.97	-6.51 0.00
6/7/2023	PHONE PURCHASE	OID:101486297-ComisaryPurch-Reg	-16.13	-88.10	-6.51 0.00
6/11/2023		PHONE TIME PURCHASE	-2.00	-90.10	-6.51 0.00
6/11/2023		PHONE CALL CHARGE AUTHORIZATION	2.00	-92.10	-6.51 0.00
6/11/2023		PHONE CALL CHARGE AUTHORIZATION	-2.00	-90.10	-6.51 2.00
6/16/2023	LEGALRCV	1 COPY 2 ORG 06/13/23	0.50	-90.10	-6.01 0.00
6/16/2023	<LEGALRCV>	1 COPY 2 ORG 06/13/23	-0.50	-90.60	-6.51 0.00
6/16/2023	LEGALRCV	1 NOTARY 06/13/23	1.00	-90.60	-5.51 0.00
6/16/2023	<LEGALRCV>	1 NOTARY 06/13/23	-1.00	-91.60	-6.51 0.00
6/16/2023	ID BADGE	ID 06/16/23	5.00	-91.60	-1.51 0.00
6/16/2023	<ID BADGE>	ID 06/16/23	-0.30	-91.90	-1.81 0.00
7/3/2023	PAYROLL	Payroll Transaction	27.09	-64.81	-1.81 0.00
7/3/2023	<ID BADGE>	Payment for ID BADGE on 2023-06-16-16.06	-4.70	-69.51	-6.51 0.00
7/3/2023	STATE SAVE	Payroll Deduction	-5.42	-74.93	-6.51 0.00
7/5/2023	EPR	OID:101491248-ComisaryPurch-Reg	-16.37	-91.30	-6.51 0.00
8/1/2023	PAYROLL	Payroll Transaction	27.09	-64.21	-6.51 0.00
8/1/2023	<GARNISHMENT>	Payment for GARNISHMENT on 2020-05-14-11	-2.17	-66.38	-8.68 0.00
8/1/2023	STATE SAVE	Payroll Deduction	-5.42	-71.80	-8.68 0.00
8/1/2023	PHONE PURCHASE	PHONE CALL CHARGE AUTHORIZATION	1.00	-72.80	-8.68 1.00
8/1/2023		PHONE TIME PURCHASE	-1.00	-73.80	-8.68 1.00
8/2/2023	EPR	PHONE CALL CHARGE AUTHORIZATION	-1.00	-72.80	-8.68 0.00
8/3/2023	XFER NORTHERN D	OID:101496109-ComisaryPurch-Reg	-17.84	-90.64	-8.68 0.00
		Mark Sells 04-CR-057-001-TCK	-1.26	-91.90	-8.68 0.00

Date\Time: 8/8/2023 9:07:57 AM

Institution: PRV

ODOC

Offender Statement Report

Offender#	Offender/Group Name	Institution	Unit	Cell/Bed
0546774	SELLS, MARK	PRV	UNIT 4-D	BED 104 (L)

Transaction List

Transaction Date	Transaction Type	Source Document #	Receipt#/Check#	Sender Name	Amount	Account Balance
03/01/2023	BEGINNING BALANCE					\$87.13
03/09/2023	PRIVATE PRISON SAVINGS	LCF - FEB 2023	8417		\$5.42	\$92.55
04/13/2023	PRIVATE PRISON SAVINGS	LCF - MARCH 2023	8423		\$5.42	\$97.97
05/08/2023	PRIVATE PRISON SAVINGS	LCF - APRIL 2023	8433		\$5.42	\$103.39
06/19/2023	PRIVATE PRISON SAVINGS	LCF - MAY 2023	8440		\$5.42	\$108.81
07/20/2023	PRIVATE PRISON SAVINGS	LCF - JUNE 2023	8450		\$5.42	\$114.23

Summary Balances

Available Balance	Savings Balance	Debt Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
\$0.00	\$114.23	\$0.00	\$0.00	\$0.00	\$0.00	\$114.23