

23-6784

No.

ORIGINAL

In the Supreme Court of the United States

October Term 2023

KHALED ELBEBLAWY,

Petitioner,

FILED
DEC 07 2023

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

UNITED STATES OF AMERICA.

Respondent

**On Petition for Writ of Certiorari
To the United States Court of Appeals for the Eleventh Circuit**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Rebecca Ann Smith
Pro Bono for Petitioner

**Sara E. Kopecki
Pro Bono for Petitioner**

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MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner asks leave to file his 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 courts:

United States District Court for the Southern District of Florida

United States Court of Appeals for the Eleventh Circuit.

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

Respectfully submitted this 7th day of February, 2024.



Rebecca A. Smith
Pro Bono Counsel for Petitioner
Member of the Bar

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

I, Khaled S. Elbedawy, 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	\$ 15.00	\$ n/a	\$ 15.00	\$ n/a
Self-employment	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Income from real property (such as rental income)	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Interest and dividends	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Gifts	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Alimony	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Child Support	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Retirement (such as social security, pensions, annuities, insurance)	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Disability (such as social security, insurance payments)	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Unemployment payments	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Public-assistance (such as welfare)	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Other (specify): <u>N/A</u>	\$ ⌀	\$ ⌀	\$ ⌀	\$ ⌀
Total monthly income:	\$ 15.00	\$ ⌀	\$ 15.00	\$ ⌀

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
FCI - MIAMI	15801 SW 137 th Ave Miami FL - 33177	Nov 2022	\$ 15.00
			\$
			\$

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	—	—	\$ —
			\$ —
			\$ —

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

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

Home N/A
Value Ø

Other real estate N/A
Value Ø

Motor Vehicle #1 N/A
Year, make & model _____
Value Ø

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

Other assets N/A
Description _____
Value Ø

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

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

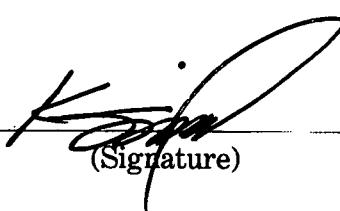
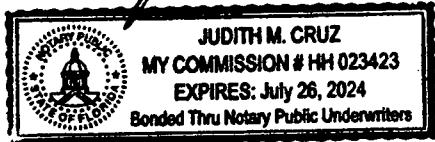
If yes, state the person's name, address, and telephone number:

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

I have no income since I have been incarcerated since 2015 except the very low amount from the BOP.

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

Executed on: January 04, 2024



K. J. (Signature)