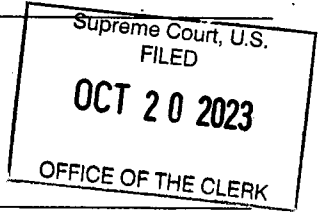


No. _____

23-6889

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



RICHARD WAYNE BARTON

Petitioner/Defendant,

v.

UNITED STATES OF AMERICA

Respondent/Plaintiff.

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 United States District Court for the Southern District of Texas, Galveston Division. Petitioner was also, on information and belief, granted in forma pauperis in the Fifth Circuit Court of Appeals.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard Wayne Barton".

Richard Wayne Barton
Reg. # 96257-379
FCI Beaumont Low
P.O. Box 26020
Beaumont, Texas 77720

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

I, Richard Wayne Barton, 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 | \$ 0 | \$ | \$ 0 | \$ |
| Self-employment | \$ 0 | \$ | \$ 0 | \$ |
| Income from real property (such as rental income) | \$ 0 | \$ | \$ 0 | \$ |
| Interest and dividends | \$ 0 | \$ | \$ 0 | \$ |
| Gifts | \$ 0 | \$ | \$ 0 | \$ |
| Alimony | \$ 0 | \$ | \$ 0 | \$ |
| Child Support | \$ 0 | \$ | \$ 0 | \$ |
| Retirement (such as social security, pensions, annuities, insurance) | \$ 0 | \$ | \$ 0 | \$ |
| Disability (such as social security, insurance payments) | \$ 0 | \$ | \$ 0 | \$ |
| Unemployment payments | \$ 0 | \$ | \$ 0 | \$ |
| Public-assistance (such as welfare) | \$ 0 | \$ | \$ 0 | \$ |
| Other (specify): | \$ 0 | \$ | \$ 0 | \$ |
| Total monthly income: | \$ 0 | \$ | \$ 0 | \$ |

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 | | | \$ |
| | | | \$ |
| | | | \$ |

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? \$ 0
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 |
|-----------------------|-----------------|-----------------|------------------------|
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |

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

☐ Other real estate N/A
Value

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

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

☐ Other assets N/A
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

N/A

\$

\$

\$

\$

\$

\$

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

Name

Relationship

Age

N/A

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

\$

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ 0

\$

Home maintenance (repairs and upkeep)

\$ 0

\$

Food

\$ 0

\$

Clothing

\$ 0

\$

Laundry and dry-cleaning

\$ 0

\$

Medical and dental expenses

\$ 0

\$

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

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

Executed on: 10-6, 2023



(Signature)

All Transactions



| | | | |
|---------------|-----------------|----------------------|--------------|
| Inmate Reg #: | 96257379 | Current Institution: | Beaumont FCC |
| Inmate Name: | BARTON, RICHARD | Housing Unit: | BML-V-B |
| Report Date: | 10/04/2023 | Living Quarters: | V05-008L |
| Report Time: | 8:09:26 AM | | |

| <u>Date/Time</u> | <u>Transaction Type</u> | <u>Amount</u> | <u>Ref#</u> | <u>Payment#</u> | <u>Balance</u> |
|-----------------------|----------------------------|---------------|-------------|-----------------|----------------|
| 10/3/2023 8:40:48 AM | <u>Sales - Fingerprint</u> | (\$77.40) | 84 | | \$498.31 |
| 10/2/2023 11:08:31 AM | Pre-Release Transaction | \$0.00 | 33323275 | | |
| 10/2/2023 11:08:31 AM | Western Union | \$100.00 | 33323275 | | \$575.71 |
| 9/12/2023 8:23:10 AM | <u>Sales - Fingerprint</u> | (\$108.30) | 44 | | \$475.71 |
| 9/8/2023 11:56:48 AM | Payroll - IPP | \$25.50 | YIPP0823 | | \$584.01 |
| 9/1/2023 1:07:16 PM | Pre-Release Transaction | \$0.00 | 33323244 | | |
| 9/1/2023 1:07:16 PM | Western Union | \$100.00 | 33323244 | | \$558.51 |
| 8/23/2023 8:28:20 AM | <u>Sales - Fingerprint</u> | (\$70.90) | 64 | | \$458.51 |
| 8/8/2023 8:54:32 AM | <u>Sales - Fingerprint</u> | (\$128.35) | 104 | | \$529.41 |
| 8/8/2023 8:54:32 AM | SPO - Released | \$99.30 | 5486 | | |
| 8/6/2023 6:07:34 AM | Pre-Release Transaction | \$0.00 | 33323218 | | |
| 8/6/2023 6:07:34 AM | Western Union | \$100.00 | 33323218 | | \$657.76 |
| 8/4/2023 6:56:31 AM | Payroll - IPP | \$21.25 | YIPP0723 | | \$557.76 |
| 7/24/2023 9:12:07 AM | <u>Sales - Fingerprint</u> | (\$79.80) | 79 | | \$536.51 |
| 7/11/2023 12:25:48 PM | <u>Sales - Fingerprint</u> | (\$64.45) | 174 | | \$616.31 |
| 7/11/2023 9:09:33 AM | SPO | (\$99.30) | 5486 | | |
| 7/7/2023 2:34:12 PM | Payroll - IPP | \$21.25 | YIPP0623 | | \$680.76 |
| 6/28/2023 6:06:34 PM | Pre-Release Transaction | \$0.00 | 33323179 | | |
| 6/28/2023 6:06:34 PM | Western Union | \$70.00 | 33323179 | | \$659.51 |
| 6/27/2023 12:39:38 PM | <u>Sales - Fingerprint</u> | (\$65.40) | 167 | | \$589.51 |
| 6/25/2023 8:44:16 PM | TRUL Withdrawal | (\$5.00) | TL0625 | | \$654.91 |
| 6/25/2023 6:07:12 AM | Pre-Release Transaction | \$0.00 | 33323176 | | |
| 6/25/2023 6:07:12 AM | Western Union | \$100.00 | 33323176 | | \$659.91 |
| 6/21/2023 12:45:38 PM | TRUL Withdrawal | (\$5.00) | TL0621 | | \$559.91 |
| 6/12/2023 8:54:57 AM | <u>Sales - Fingerprint</u> | (\$57.75) | 75 | | \$564.91 |
| 6/8/2023 3:00:32 PM | Payroll - IPP | \$21.25 | YIPP0523 | | \$622.66 |
| 5/31/2023 12:18:25 PM | <u>Sales - Fingerprint</u> | (\$29.25) | 160 | | \$601.41 |
| 5/23/2023 2:21:00 PM | Inmate Co-pay | (\$2.00) | YICP0523 | | \$630.66 |
| 5/16/2023 8:28:49 AM | <u>Sales - Fingerprint</u> | (\$103.20) | 19 | | \$632.66 |
| 5/16/2023 8:28:49 AM | SPO - Released | \$126.70 | 4116 | | |
| 5/8/2023 1:06:47 PM | Payroll - IPP | \$17.00 | YIPP0423 | | \$735.86 |
| 5/1/2023 8:23:59 AM | <u>Sales - Fingerprint</u> | (\$30.35) | 77 | | \$718.86 |
| 4/24/2023 10:33:29 AM | SPO | (\$126.70) | 4116 | | |
| 4/19/2023 9:04:30 AM | <u>Sales - Fingerprint</u> | (\$52.95) | 135 | | \$749.21 |
| 4/10/2023 2:32:44 PM | Payroll - IPP | \$13.60 | YIPP0323 | | \$802.16 |
| 4/4/2023 8:42:25 AM | <u>Sales - Fingerprint</u> | (\$26.20) | 65 | | \$788.56 |
| 3/26/2023 9:07:37 PM | Pre-Release Transaction | \$0.00 | 33323085 | | |
| 3/26/2023 9:07:37 PM | Western Union | \$200.00 | 33323085 | | \$814.76 |
| 3/13/2023 7:40:07 AM | <u>Sales - Fingerprint</u> | (\$22.60) | 35 | | \$614.76 |
| 3/8/2023 2:19:57 PM | Payroll - IPP | \$13.60 | YIPP0223 | | \$637.36 |
| 3/1/2023 12:11:40 PM | <u>Sales - Fingerprint</u> | (\$145.30) | 72 | | \$623.76 |
| 2/27/2023 10:58:28 AM | Pre-Release Transaction | \$200.00 | TL022023 | | |
| 2/11/2023 9:00:09 AM | TRUL Withdrawal | (\$5.00) | TL0211 | | \$769.06 |
| 2/8/2023 2:43:41 PM | Payroll - IPP | \$13.60 | YIPP0123 | | \$774.06 |
| 1/21/2023 6:07:06 AM | Western Union | \$100.00 | 33323021 | | \$760.46 |
| 1/20/2023 12:04:16 PM | <u>Sales - Fingerprint</u> | (\$81.60) | 83 | | \$660.46 |
| 1/9/2023 12:46:55 PM | Payroll - IPP | \$13.60 | YIPP1222 | | \$742.06 |
| 1/4/2023 7:34:14 AM | <u>Sales - Fingerprint</u> | (\$71.95) | 22 | | \$728.46 |
| 1/4/2023 6:20:04 AM | TRUL Withdrawal | (\$5.00) | TL0104 | | \$800.41 |