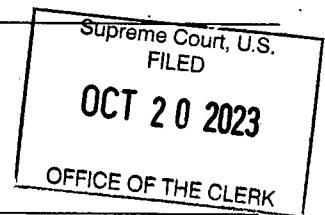


No. _____

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,


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? <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)	\$ 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