

23-7428  
No.

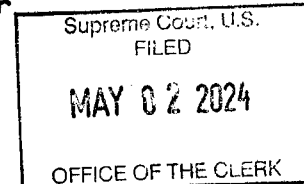
ORIGINAL

UNITED STATES SUPREME COURT

Robert Pann 254048-Petitioner

v.

Ulmer-Respondent



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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

Petitioner has previously been granted to proceed in forma pauperis in the following courts: United States Western District for Michigan, Sixth Circuit Court of Appeals, Supreme Court of the United States, Florida; Leon County Circuit Court, Florida; First District of Appeals, Florida Supreme Court.

AFFIDAVIT IN SUPPORT OF MOTION  
FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Robert Pann, 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. I am single. My average income received from each of the following during the last 12-months.

Income Source	Amount expected next month
Employment	\$11.00
\$11.00	
Self Employment	0
Rental Income	0
Interest / dividends	0
Gifts	\$33.00

Alimony	0
Child support	0
Retirement / SSI	0
Disability	0
Unemployment	0
Public Assistance	0
Other	0
Total Monthly Spendable Income	\$11.00

2. I have been employed by MDOC for the last 2 years.

MDOC leaves me \$11.00 spendable per month.

3. I am not married.

4. Spouses Income: not applicable.

5. Assets:

Home N/A

Vehicle N/A

Other N/A

6. No business, organization owes me money.

This case is for failure to give notice of final hearing for a writ of garnishment for \$262,000.00 in unclaimed property left to me by my mother.

7. No one relies me for support.

8. Monthly expenses

RENT	0
Utilities	0
Maintenance	0
Food	\$8.00
Clothing	0
Laundry	0

Medical and dental	\$1.25
Transportation	0
Recreation	0
Insurance	0
Taxes	0
Credit cards	0
other hygiene	\$3.00
Total Monthly Expenses	\$11.00

9. Do you expect any major changes in the next 12-months

YES

10. Has attorney has been paid in connection with this case

11. Have you paid-or will be paying-anyone other than an attorney for services in connection with this case, including completion of this form.

NO

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

I am a prisoner with severe institutional debts due to prison officials destroying my personal property, issuing false misconduct reports in retaliation for exercising my First Amendment rights, and denial to access to the courts.

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

Executed on: May 7, 2024



9. ATTACHED

This writ, if granted will entitle petitioner to over \$125,322.87 plus interest. Due to Leon County Circuit court's failure to ensure petitioner's substantial due process right afforded by the Fourteenth Amendment. Providing Petitioner reasonable notice of final hearing.

Petitioner will gladly pay this Court's fees out of the money forfeited due to the Circuit Court's failure to acknowledge petitioner's due process protections. Petitioner was only afforded 16-hours notice when 30-days notice is required by Florida statutes and court rules.

Petitioners prison could not verify or have time to schedule video conference, and Leon County Circuit Court would not accept petitioner's pre-paid phone calls.

Leon County Circuit Court applied Florida statutes to Michigan's penal order awarding Respondent Ulmer \$262,225.55, where the total garnishment is \$226,661.65 (Attachment E).

\$101,338.78 is total restitution is owed, see MCL 780.766 and Michigan's sentencing order Attachment F does not include an award for interest. Michigan's criminal restitution is not a substitute for civil damage awards.

Florida Statutes treat criminal restitution orders as civil judgments. U.S.C.S. Const. Art IV §1 confer no new jurisdiction on courts of any state, and does not authorize them to take jurisdiction of suit or prosecution of such penal nature. Michigan Criminal Court orders cannot be changed by Florida's court rules or statutes.

8-42

## FEDERAL COURT – CIVIL ACTION

Prisoner-Plaintiff/Petitioner/Appellant name and number

Robert Pann  
#254048

v

Defendant's/Respondent's/Appellee's name

Ulmer

### 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 the 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 \$ 20.76 average monthly account balance (i.e., total deposits minus total withdrawals divided by number of months) of \$ 1.39. There is a current spendable account balance of \$ 0.00.

Date: 4/8/24

N. Murray  
N. Murray / Facility Manager  
Signature of Custodian of Prisoner Institutional/Trust Fund Account

Carson City Correctional Facility

Offender Number: 0254048

Offender Name: Pann, Robert William

Account Status: Open

Institution: DRF

Housing Facility: DRF

Tier: A

Living Unit: 800

Cell: 042

Bed: Bot

Primary Balance: \$28.48

Available Balance: \$0.00

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
10/08/2023						\$20.15	
10/13/2023 08:17:54 AM	DRF-Institutional Services	500 - Institutional Services				\$23.91	DRF
10/13/2023 03:10:15 PM	Stamps	DRF Institutional Services	10-13-23DRFSTAMPS	\$3.76	(\$0.63)	\$23.28	DRF
10/18/2023 11:09:51 PM	Commissary Sale	Keefe Commissary	C90961		(\$2.83)	\$20.45	DRF
10/31/2023 04:00:02 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$0.30)	\$20.15	COF
11/15/2023 08:58:40 AM	DRF-Institutional Services	500 - Institutional Services		\$21.62		\$41.77	DRF
11/16/2023 04:00:02 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.56)	\$37.21	COF
11/16/2023 04:00:02 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.56)	\$32.65	COF
11/16/2023 04:00:02 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.32)	\$28.33	COF
11/18/2023 07:40:12 PM	Kiosk Request	JPay Inc.			(\$2.70)	\$25.63	COF
11/29/2023 11:15:28 PM	Commissary Sale	Keefe Commissary	C154659		(\$7.79)	\$17.84	DRF
11/30/2023 04:00:01 AM	LEGAL POSTAGE - PBF	DRF-PBF Postage			(\$0.51)	\$17.33	COF
12/14/2023 08:19:28 AM	DRF-Institutional Services	500 - Institutional Services		\$25.08		\$42.41	DRF
12/15/2023 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.56)	\$37.85	COF
12/15/2023 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.32)	\$33.53	COF
12/15/2023 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.01)	\$28.52	COF
12/18/2023 03:12:48 PM	Stamps	DRF Institutional Services			(\$0.63)	\$27.89	DRF
12/19/2023 08:35:27 AM	Legal Stamps	DRF Institutional Services			(\$2.07)	\$25.82	DRF
12/27/2023 11:23:06 PM	Commissary Sale	Keefe Commissary	C195156		(\$7.67)	\$18.15	DRF
12/31/2023 04:00:01 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$0.63)	\$17.52	COF
01/16/2024 08:47:17 AM	DRF-Institutional Services	500 - Institutional Services		\$25.08		\$42.60	DRF
01/17/2024 04:00:01 AM	Court Filing Fee (State) - IET	MICHIGAN COURT OF APPEALS			(\$1.98)	\$40.62	COF
01/17/2024 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.01)	\$35.61	COF
01/17/2024 04:00:01 AM	Court Filing Fee (State) - IET	MICHIGAN COURT OF APPEALS			(\$4.06)	\$31.55	COF
01/17/2024 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.01)	\$26.54	COF
01/17/2024 04:00:01 AM	Court Filing Fee (State) - IET	MICHIGAN COURT OF APPEALS			(\$4.06)	\$22.48	COF

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
01/17/2024 03:23:18 PM	Legal Stamps	DRF Institutional Services			(\$0.63)	\$21.85	DRF
01/19/2024 03:31:24 PM	Legal Copies Disbursement	DRF Institutional Services			(\$0.10)	\$21.75	DRF
01/22/2024 08:30:20 AM	Legal Stamps	DRF Institutional Services			(\$0.63)	\$21.12	DRF
01/24/2024 11:18:52 PM	Commissary Sale	Keefe Commissary	C235949		(\$7.62)	\$13.50	DRF
01/31/2024 04:00:02 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$1.44)	\$12.06	COF
01/31/2024 04:00:02 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$0.58)	\$11.48	COF
02/14/2024 08:56:07 AM	DRF-Institutional Services	500 - Institutional Services		\$25.08		\$36.56	DRF
02/16/2024 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.01)	\$31.55	COF
02/16/2024 04:00:01 AM	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.01)	\$26.54	COF
02/21/2024 11:25:53 PM	Commissary Sale	Keefe Commissary	C279335		(\$10.25)	\$16.29	DRF
02/29/2024 04:00:01 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$0.75)	\$15.54	COF
03/14/2024 09:17:45 AM	DRF-Institutional Services	500 - Institutional Services		\$23.94		\$39.48	DRF
03/15/2024 08:48:07 AM	Legal Stamps	DRF Institutional Services			(\$0.88)	\$38.60	DRF
03/20/2024 11:31:49 PM	Commissary Sale	Keefe Commissary	C322708		(\$9.81)	\$28.79	DRF
03/31/2024 04:00:01 AM	LEGAL POSTAGE - PBF	DRF PBF Postage			(\$0.31)	\$28.48	COF
04/08/2024				\$124.56	(\$116.23)	\$28.48	

Date	Deposit	Expense	Balance	Loc Code
10/08/2023			\$0.00	
No Activity				
04/08/2024	\$0.00	\$0.00	\$0.00	