

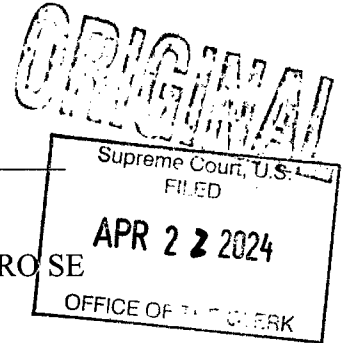
No. **23-7574**

IN THE
SUPREME COURT OF THE UNITED STATES

MARCUS MIDDLEBROOK --- PETITIONER, IN PRO SE

VS.

KELLY WELLMAN, ET. AL. --- 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*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MICHIGAN,
NORTHERN DIVISION

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

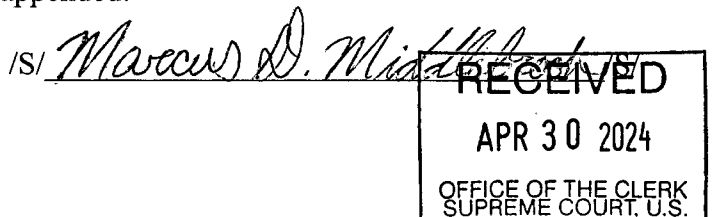
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

or,

☐ a copy of the order of appointment is appended.



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

I, Marcus Middlebrook, 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 and incarceration, I am unable to defray 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	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Self-employment	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Income from real property (such as rental income)	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Interest and dividends	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Gifts	\$ _____	\$ ____ N/A ____	\$ _____	\$ ____ N/A ____
Alimony	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Child Support	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Retirement (such as social security, pensions, annuities, insurance)	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Disability (such as social Security, insurance payments)	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Unemployment payments	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Public-assistance (such as welfare)	\$ incarcerated	\$ ____ N/A ____	\$ incarcerated	\$ ____ N/A ____
Other (specify): _____	\$ ____ N/A ____	\$ ____ N/A ____	\$ ____ N/A ____	\$ ____ N/A ____
Total monthly income:	\$ _____	\$ ____ N/A ____	\$ _____	\$ ____ 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
____ NA ____	____ NA ____	____ NA ____	\$ ____ NA ____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
____ NA ____	____ NA ____	____ NA ____	\$ ____ NA ____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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

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
____ NA ____	____ NA ____	\$ ____ NA ____
_____	_____	\$ _____
_____	_____	\$ _____

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

Home
Value ____ NA ____

Other real estate
Value ____ NA ____

Motor Vehicle #1
Year, make & model ____ NA ____
Value _____

Motor Vehicle #2
Year, make & model ____ NA ____
Value _____

Other assets

Description

____ NONE _____

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
_____ NA _____	\$ _____ NA _____	\$ _____ NA _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ _____ NA _____	\$ _____ NA _____
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)	\$ _____ NA _____	\$ _____ NA _____
Home maintenance (repairs and upkeep)	\$ _____ NA _____	\$ _____ NA _____
Food	\$ _____ NA _____	\$ _____ NA _____
Clothing	\$ _____ NA _____	\$ _____ NA _____
Laundry and dry-cleaning	\$ _____ NA _____	\$ _____ NA _____
Medical and dental expenses	\$ _____ NA _____	\$ _____ NA _____

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

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.

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:

9. 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:

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

I will be incarcerated from now until _____.

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

Executed on: April 22, _____, 2024

Marcus D. Middlebrook

(Signature)

FEDERAL COURT - CIVIL ACTION

Prisoner-Plaintiff/Petitioner/Appellant Name and Number

MARCUS D MIDDLEBROOK
351947

V

Defendant's/Respondent's/Appellee's Name

KELLY M WELLMAN, ET AL

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 (total number of deposits divided by number of months) of \$ 14.67, an average monthly account balance (total deposits minus total withdrawals divided by number of months) of \$ -. There is a current spendable account balance of \$ -.

Date: **4/19/2024**

11-746 Acct Asst
Signature of Custodian of Prisoner Institutional/Trust Fund Account

BARAGA CORRECTIONAL FACILITY
Correctional Facility

Daily Transaction Summary: October 19, 2023 - April 19, 2024

Offender Number: 0351947 Institution: AMF Living Unit: 02 Primary Balance: \$14.80
 Offender Name: MIDDLEBROOK, MARCUS DONTÉ Housing Facility: AMF Cell: 204 Available Balance: \$0.00
 Account Status: Open Tier: B Bed: Top

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
10/19/2023						\$25.41	
10/31/2023 04:00	LEGAL SUPPLIES	AMF PBF Legal Supplies			(\$9.41)	\$16.00	COF
11/10/2023 05:10	GTL	Maurice Middlebrook		\$12.00		\$28.00	COF
11/11/2023 04:00	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$5.00)	\$23.00	COF
11/11/2023 04:00	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$4.40)	\$18.60	COF
11/11/2023 04:00	Court Filing Fee (Federal)	U.S. DISTRICT COURT WEST MICHIGAN			(\$1.00)	\$17.60	COF
11/13/2023 14:54	Legal Stamps	AMF Institutional Services			(\$1.59)	\$16.01	AMF
11/13/2023 19:40	Kiosk Request	JPay Inc.			(\$9.00)	\$7.01	COF
11/30/2023 04:00	NOTARY	AMF PBF Notary			(\$0.41)	\$6.60	COF
01/09/2024 08:40	Legal Stamps	AMF Institutional Services	AMF PBF STAMP2 1-9		\$0.00	\$6.60	AMF
01/17/2024 05:10	GTL	Melvin Middlebrook		\$15.00		\$21.60	COF
01/22/2024 09:34	Notary Disbursement	AMF Institutional Services			(\$2.00)	\$19.60	AMF
01/23/2024 13:37	Lawsuit Receipt-IET-DE	AMF- WS 2:23-cv-227		\$50.00		\$69.60	COF
01/23/2024 14:43	Legal Stamps	AMF Institutional Services			(\$0.64)	\$68.96	AMF
01/23/2024 14:45	Legal Stamps	AMF Institutional Services			(\$0.88)	\$68.08	AMF
01/23/2024 14:46	Legal Stamps	AMF Institutional Services			(\$2.35)	\$65.73	AMF
01/23/2024 14:47	Legal Stamps	AMF Institutional Services			(\$2.11)	\$63.62	AMF
01/24/2024 14:17	Legal Stamps	AMF Institutional Services			(\$0.64)	\$62.98	AMF
01/25/2024 12:57	Legal Copies Disbursement	AMF Institutional Services			(\$1.40)	\$61.58	AMF
01/29/2024 08:33	Legal Copies Disbursement	AMF Institutional Services			(\$3.30)	\$58.28	AMF
01/29/2024 13:55	Legal Stamps	AMF Institutional Services			(\$0.64)	\$57.64	AMF
01/29/2024 13:56	Legal Stamps	AMF Institutional Services			(\$0.64)	\$57.00	AMF
02/01/2024 13:55	Legal Stamps	AMF Institutional Services			(\$2.35)	\$54.65	AMF
02/05/2024 08:56	Legal Copies Disbursement	AMF Institutional Services			(\$1.70)	\$52.95	AMF
02/05/2024 23:18	Commissary Sale	Keefe Commissary	C255236		(\$8.13)	\$44.82	AMF
02/07/2024 14:14	Legal Stamps	AMF Institutional Services			(\$0.64)	\$44.18	AMF
02/07/2024 14:14	Legal Stamps	AMF Institutional Services			(\$0.64)	\$43.54	AMF
02/07/2024 14:16	Legal Stamps	AMF Institutional Services			(\$0.64)	\$42.90	AMF
02/07/2024 14:17	Legal Stamps	AMF Institutional Services			(\$0.64)	\$42.26	AMF

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
02/08/2024 12:34	Legal Copies Disbursement	AMF Institutional Services			(\$0.90)	\$41.36	AMF
02/08/2024 12:35	Legal Copies Disbursement	AMF Institutional Services			(\$0.80)	\$40.56	AMF
02/12/2024 11:24	Legal Copies Disbursement	AMF Institutional Services			(\$3.50)	\$37.06	AMF
02/20/2024 12:15	Stamps	AMF Institutional Services			(\$2.59)	\$34.47	AMF
02/20/2024 14:49	Filing Fee Disb - State	BARAGA COUNTY 12TH CIRCUIT COURT			(\$10.00)	\$24.47	AMF
02/20/2024 23:35	Commissary Sale	Keefe Commissary	C275123		(\$10.92)	\$13.55	AMF
02/26/2024 08:41	Legal Copies Disbursement	AMF Institutional Services			(\$0.40)	\$13.15	AMF
02/26/2024 08:44	Legal Copies Disbursement	AMF Institutional Services			(\$0.70)	\$12.45	AMF
02/29/2024 04:00	NOTARY	AMF PBF Notary			(\$1.85)	\$10.60	COF
03/14/2024 05:10	GTL	Maurice Middlebrook		\$11.00		\$21.60	COF
03/16/2024 19:40	Kiosk Request	JPay Inc.			(\$2.00)	\$19.60	COF
03/25/2024 12:47	Legal Copies Disbursement	AMF Institutional Services			(\$1.80)	\$17.80	AMF
04/01/2024 23:38	Commissary Sale	Keefe Commissary	C340751		(\$6.80)	\$11.00	AMF
04/08/2024 23:21	Commissary Sale	Keefe Commissary	C340751		\$6.80	\$17.80	AMF
04/15/2024 09:33	Notary Disbursement	AMF Institutional Services			(\$3.00)	\$14.80	AMF
04/19/2024				\$88.00	(\$98.61)	\$14.80	

Date	Deposit	Expense	Balance	Loc Code
10/19/2023			\$0.00	
No Activity				
04/19/2024	\$0.00	\$0.00	\$0.00	