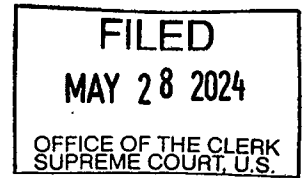


23-7650
No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



SAMUEL CUELLAR, Petitioner.

Vs.

WILLIS CHAPMAN, Warden.

Ann M. Sherman, Solicitor General,
Jared D. Schultz.
Attorneys for Respondent.

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 under United States Supreme Court Rule 39.

Petitioner has previously been granted leave to proceed in forma pauperis in the United States District Court, Eastern District, of Michigan Southern Division, case #20-cv-12669. Petitioners affidavit in support of this motion is attached hereto.

Dated; 5-28-2024,

Samuel Cuellar
Samuel Cuellar #180704

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

I, Samuel Cuellar, 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	\$ <u>97.00</u>	\$ <u>0.</u>	\$ <u>97.00</u>	\$ <u>0.</u>
Self-employment	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Income from real property (such as rental income)	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Interest and dividends	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Gifts	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Alimony	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Child Support	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Disability (such as social security, insurance payments)	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Unemployment payments	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Public-assistance (such as welfare)	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Other (specify): _____	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>	\$ <u>0.</u>
Total monthly income:	\$ <u>97.00</u>	\$ <u>0.</u>	\$ <u>97.00</u>	\$ <u>0.</u>

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
<u>Macomb</u>	<u>34625 26 Mile Road</u>	<u>12-14-2015.</u>	<u>\$ 97.00</u>
<u>Correctional</u>	<u>Lonex Township</u>	<u></u>	<u>\$</u>
<u>Facility</u>	<u>Detroit, Michigan</u>	<u></u>	<u>\$</u>

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
<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>\$ NA</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>

4. How much cash do you and your spouse have? \$ 1,786.68.

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
<u>NA 0.00</u>	<u>\$ NA 0.00</u>	<u>\$ NA 0.00</u>
<u>NA</u>	<u>\$ NA</u>	<u>\$ NA</u>
<u>NA</u>	<u>\$ NA</u>	<u>\$ NA</u>

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

☐ Home
Value Don't Have

☐ Other real estate
Value Don't Have.

Don't Have
☐ Motor Vehicle #1
Year, make & model
Value

☐ Motor Vehicle #2
Year, make & model
Value

☐ Other assets
Description Don't have any assets.
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
No one	\$0.00	\$ 0.00
NA	\$0.00	\$ 0.00
	\$	\$

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
No one	---	--
---	--	--

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)	\$0.00	\$ 0.00
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)	\$ 0.00	\$ 0.00
Home maintenance (repairs and upkeep)	\$ 0.00	\$ 0.00
Food	\$ 0.00	\$ 0.00
Clothing	\$ 0.00	\$ 0.00
Laundry and dry-cleaning	\$ 0.00	\$ 0.00
Medical and dental expenses	\$ 0.00	\$ 0.00

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ 0.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ 0.00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ 0.00
Life	\$ 0.00	\$ 0.00
Health	\$ 0.00	\$ 0.00
Motor Vehicle	\$ 0.00	\$ 0.00
Other: _____	\$ 0.00	\$ 0.00
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0.00	\$ 0.00
Installment payments		
Motor Vehicle	\$ 0.00	\$ 0.00
Credit card(s)	\$ 0.00	\$ 0.00
Department store(s)	\$ 0.00	\$ 0.00
Other: _____	\$ 0.00	\$ 0.00
Alimony, maintenance, and support paid to others	\$ 0.00	\$ 0.00
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ 0.00
Other (specify): _____	\$ 0.00	\$ 0.00
Total monthly expenses:	\$ 0.00	\$ 0.00

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 am incarcerated and I don't have any out side support, other then my prison job.

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

Executed on: 5-28-2024, 20__

Samuel Cuellar
(Signature)

FEDERAL COURT

Prisoner-Plaintiff/Petitioner/Appellant name and number
SAMUEL CUELLAR, #180704

v

Defendant's/Respondent's/Appellee's name
WILLIS CHAPMAN

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 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 \$94.55, an average monthly account balance (i.e., total deposits minus total withdrawals divided by number of months) of \$-20.60. There is a current spendable account balance of \$1,786.68.

Date: 5-8-2024

Johnson Acct Tech
Signature of Custodian of Prisoner Institutional/Trust Fund Account
Macomb Correctional Facility
Correctional Facility

Offender Information

Offender Number: 0180704
 Offender Name: CUELLAR, SAMUEL SAMMY
 Account Status: Open

Institution: MRF
 Housing Facility: MRF
 Tier: D

Living Unit: HU#3
 Cell: 113
 Bed: Top

Primary Balance: \$1,791.68
 Available Balance: \$1,786.68

Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
11/08/2023						\$1,915.27	
11/14/2023 23:17	Commissary Sale	Keefe Commissary	C134085		(\$61.22)	\$1,854.05	MRF
11/15/2023 08:29	MRF-Institutional Services	500 - Institutional Services		\$48.36		\$1,902.41	MRF
11/15/2023 08:29	MRF-Institutional Services	500 - Institutional Services		\$47.74		\$1,950.15	MRF
11/15/2023 14:31	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF 110723		(\$1.70)	\$1,948.45	MRF
11/15/2023 19:40	Kiosk Request	JPay Inc.			(\$4.00)	\$1,944.45	COF
11/17/2023 14:27	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF 110923		(\$0.20)	\$1,944.25	MRF
12/12/2023 23:15	Commissary Sale	Keefe Commissary	C174993		(\$81.25)	\$1,863.00	MRF
12/13/2023 14:09	Legal Stamps	MRF Institutional Services			(\$2.31)	\$1,860.69	MRF
12/13/2023 14:09	Legal Stamps	MRF Institutional Services			(\$2.31)	\$1,858.38	MRF
12/14/2023 08:15	MRF-Institutional Services	500 - Institutional Services		\$46.20		\$1,904.58	MRF
12/14/2023 08:15	MRF-Institutional Services	500 - Institutional Services		\$46.80		\$1,951.38	MRF
12/14/2023 12:39	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF 112823		(\$1.00)	\$1,950.38	MRF
12/27/2023 23:25	Commissary Sale	Keefe Commissary	C197852		(\$31.09)	\$1,919.29	MRF
01/04/2024 13:30	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF 121223		(\$4.70)	\$1,914.59	MRF
01/10/2024 23:19	Commissary Sale	Keefe Commissary	C217867		(\$44.66)	\$1,869.93	MRF
01/16/2024 09:31	MRF-Institutional Services	500 - Institutional Services		\$48.36		\$1,918.29	MRF
01/16/2024 09:31	MRF-Institutional Services	500 - Institutional Services		\$47.74		\$1,966.03	MRF
01/23/2024 23:28	Commissary Sale	Keefe Commissary	C237141		(\$29.14)	\$1,936.89	MRF
01/29/2024 23:29	Commissary Sale	Keefe Commissary	C237141		\$2.48	\$1,939.37	MRF
02/02/2024 15:07	Legal Copies Disbursement	MRF PBF Copies	LGL COPY MRF 012424		(\$0.40)	\$1,938.97	MRF
02/07/2024 23:22	Commissary Sale	Keefe Commissary	C257883		(\$70.07)	\$1,868.90	MRF
02/08/2024 23:27	Commissary Sale	Keefe Commissary	C257883		\$1.21	\$1,870.11	MRF
02/14/2024 09:38	MRF-Institutional Services	500 - Institutional Services		\$47.74		\$1,917.85	MRF
02/14/2024 09:38	MRF-Institutional Services	500 - Institutional Services		\$48.36		\$1,966.21	MRF
02/20/2024 23:32	Commissary Sale	Keefe Commissary	C279772		(\$28.73)	\$1,937.48	MRF
03/05/2024 13:46	Legal Stamps	MRF Institutional Services			(\$2.35)	\$1,935.13	MRF
03/05/2024 13:46	Legal Stamps	MRF Institutional Services			(\$2.35)	\$1,932.78	MRF
03/06/2024 01:30	Commissary Sale	Keefe Commissary	C22943750		(\$68.78)	\$1,864.00	MRF
03/12/2024 19:40	Kiosk Request	JPay Inc.			(\$5.00)	\$1,859.00	COF
03/14/2024 09:24	MRF-Institutional Services	500 - Institutional Services		\$44.66		\$1,903.66	MRF

Primary Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
03/14/2024 09:24	MRF-Institutional Services	500 - Institutional Services		\$45.24		\$1,948.90	MRF
03/15/2024 15:05	Legal Copies Disbursement	MRF PBF Copies	MRF LGL COPY 030424		(\$1.60)	\$1,947.30	MRF
03/15/2024 16:03	Legal Copies Disbursement	MRF PBF Copies	MRF LGL COPY 030224		(\$4.30)	\$1,943.00	MRF
03/19/2024 23:36	Commissary Sale	Keefe Commissary	C323098		(\$59.97)	\$1,883.03	MRF
04/01/2024 14:02	Legal Copies Disbursement	MRF PBF Copies	MRF LGL COPY 032024		(\$1.60)	\$1,881.43	MRF
04/02/2024 23:32	Commissary Sale	Keefe Commissary	C343414		(\$66.04)	\$1,815.39	MRF
04/12/2024 09:26	MRF-Institutional Services	500 - Institutional Services		\$44.66		\$1,860.05	MRF
04/12/2024 09:26	MRF-Institutional Services	500 - Institutional Services		\$45.24		\$1,905.29	MRF
04/12/2024 16:11	MRF-Institutional Services	500 - Institutional Services		\$3.08		\$1,908.37	MRF
04/12/2024 16:11	MRF-Institutional Services	500 - Institutional Services		\$3.12		\$1,911.49	MRF
04/16/2024 23:35	Commissary Sale	Keefe Commissary	C364439		(\$45.72)	\$1,865.77	MRF
04/25/2024 13:57	Legal Stamps	MRF Institutional Services			(\$0.64)	\$1,865.13	MRF
04/25/2024 13:57	Legal Stamps	MRF Institutional Services			(\$0.64)	\$1,864.49	MRF
04/30/2024 23:37	Commissary Sale	Keefe Commissary	C384879		(\$72.81)	\$1,791.68	MRF
05/08/2024				\$567.30	(\$690.89)	\$1,791.68	

Savings

Date	Deposit	Expense	Balance	Loc Code
11/08/2023			\$0.00	
No Activity				
05/08/2024	\$0.00	\$0.00	\$0.00	

Holds - Current as of Date and Time of Report

Date Held	Hold Type	Notes	Amount
02/15/2023	Manual	MRF OPT co-pay DOS 020223	\$5.00

Remaining Obligations - Current as of Date and Time of Report

Description	Paid To	Max Per Period	Ordered	Transfer	Outside Source	Held	Paid	Written Off	Total Remaining
No Remaining Obligations									

567.30
 $\div 6$
 94.55

Total: \$0.00

567.30
 - 690.89
 - 123.59
 $\div 6$
 - 20.60