

24-5222

USAP8 No. 23-2670

No. _____

FILED

JUN 21 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Darrell D. Smith — PETITIONER
(Your Name)

VS.

B. Eischen, Warden — 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):

Minnesota District Court, Eighth Circuit Court of Appeals

Northern Iowa District Court

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

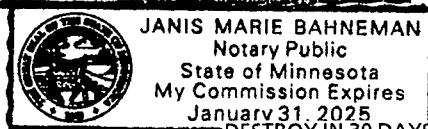
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ 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.



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(Signature)

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

I, Darrell D. Smith, 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>35.00</u>	\$ <u>none</u>	\$ <u>35.00</u>	\$ <u>none</u>
Self-employment	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>35.00</u>	\$ <u>none</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>don't know</u>	\$ <u>0.00</u>	\$ <u>don't know</u>
Gifts	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Alimony	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Child Support	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>(1100.00?)</u> (don't know)	\$ <u>0.00</u>	\$ <u>(1100.00?)</u> (don't know)
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>none</u>	\$ <u>0.00</u>	\$ <u>none</u>
Other (specify): _____	\$ <u>0.00</u>	\$ <u>don't know</u>	\$ <u>0.00</u>	\$ <u>don't know*</u>
<p>*The government took everything; I'm fighting to get it back. I've been down too long and wife does not discuss how she is making it.</p> <p>Total monthly income: \$ <u>35.00</u> \$ <u>don't know</u> \$ <u>35.00</u> \$ <u>don't know</u></p>				

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
none			\$
			\$
			\$

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
none			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ I have zero. Wife - don't know
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
	\$ 0	\$ Don't know
	\$	\$
	\$	\$

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

☒ Home Spouse Only
Value \$300,000 ?

☐ Other real estate
Value _____

☒ Motor Vehicle #1
Year, make & model 2013 Infiniti
Value Don't know - \$6,000? (wife's car)

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☒ Other assets
Description What I had the government took in violation of Luis v. U.S.
Value \$120,000 IRA - taken for restitution that was not owed - filed \$2255 to try and restore. They took substantially more as well for restitution that that was not owed - \$2255 in case number CR-17-2030, N. Dist. of Iowa, 2018

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ 200.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ 50.00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ 200.00
Life	\$ 0.00	\$ don't know
Health	\$ 0.00	\$ 200.00
Motor Vehicle	\$ 0.00	\$ 150.00
Other: _____	\$ 0.00	\$ don't know
Taxes (not deducted from wages or included in mortgage payments)		400.00
(specify): _____	\$ 0.00	\$ don't know
Installment payments		
Motor Vehicle	\$ 0.00	\$ Don't know
Credit card(s)	\$ 0.00	\$ Don't know
Department store(s)	\$ 0.00	\$ Don't know
Other: _____	\$ 0.00	\$ Don't know
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	\$ Don't know
Total monthly expenses:	\$ 0.00	\$ \$2,235

The reason I don't know my wife's assets or expenses is because I've been incarcerated for over seven years - and she has shared nothing with me regarding her finances.

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? _____

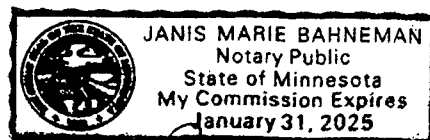
If yes, state the person's name, address, and telephone number:

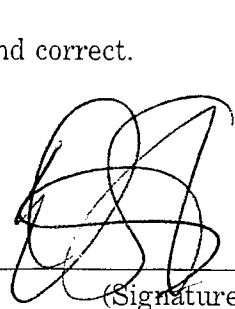
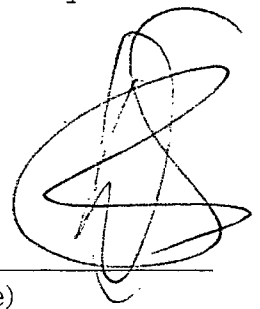
12. Provide any other information that will help explain why you cannot pay the costs of this case.

I've been incarcerated for over eight years, going on nine years. The government seized all my funds for restitution which is not owed and is being challenged via \$2255 in case number 17-cr-2030; the Judge is expected to rule on the final \$2255 outcome soon, however, he will not rule on return of Smith's funds any time soon.

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

Executed on: June 17, 20 24



 
(Signature)