

24-5287  
NO.

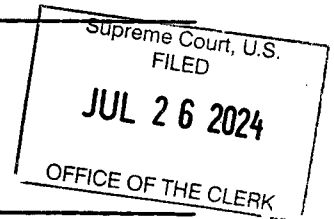
ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

JOHN PHILLIP BENDER-PETITIONER

VS.

THE STATE OF TEXAS-RESPONDENT



PETITIONER'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

John Phillip Bender, petitioner, asks leave to file the attached Petition for Writ of Ceriorari and Appendix 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 courts: 331st District Court, Travis County, Texas; Court of Appeals of Texas, Third District; Court of Criminal Appeals of Texas; Supreme Court of Texas.

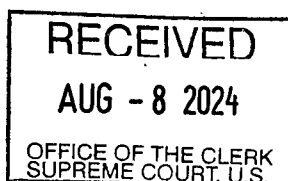
☐ Petitioner has not previously been granted leave to proceed in forma paueris in any other court.

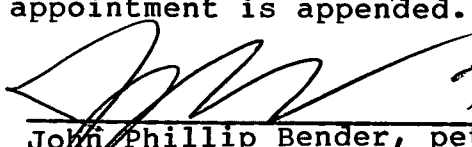
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ 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 provisions of law: N/A, or

☐ A copy of the order of appointment is appended.



 7/26/24  
John Phillip Bender, petitioner  
TCC #01600287, Memorial Unit, TC2-22  
59 Darrington Road  
Rosharon, Texas 77583

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

I, John Phillip Bender, 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-	\$N/A	\$-0-	\$N/A
Self-employment	\$-0-	\$N/A	\$-0-	\$N/A
Income from real property (such as rental income)	\$-0-	\$N/A	\$-0-	\$N/A
Interest and dividends	\$-0-	\$N/A	\$-0-	\$N/A
Gifts	\$5.00	\$N/A	\$-0-	\$N/A
Alimony	\$-0-	\$N/A	\$-0-	\$N/A
Child Support	\$-0-	\$N/A	\$-0-	\$N/A
Retirement (such as social security, pensions, annuities, insurance)	\$-0-	\$N/A	\$-0-	\$N/A
Disability (such as social security, insurance payments)	\$-0-	\$N/A	\$-0-	\$N/A
Unemployment payments	\$-0-	\$N/A	\$-0-	\$N/A
Public-assistance (such as welfare)	\$-0-	\$N/A	\$-0-	\$N/A
Other (specify): <u>N/A</u>	\$-0-	\$N/A	\$-0-	\$N/A
<b>Total monthly income:</b>	<b>\$5.00</b>	<b>\$N/A</b>	<b>\$-0-</b>	<b>\$N/A</b>

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 (incarcerated since 2009)	N/A	N/A	\$ -0-
			\$
			\$

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 (no spouse)	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$-0- (no spouse)

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
N/A-no cash	N/A	\$-0-	\$ N/A-no spouse
		\$	\$
		\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. N/A-no assets-no spouse

☐ Home

Value N/A

☐ Other real estate

Value N/A

☐ Motor Vehicle #1

Year, make & model N/A

Value N/A

☐ Motor Vehicle #2

Year, make & model N/A

Value N/A

☐ Other assets

Description N/A

Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed. N/A-no one owes me money-no spouse

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>None</u>	<u>\$-0-</u>	<u>\$ N/A</u>
<u>                    </u>	<u>\$</u>	<u>\$</u>
<u>                    </u>	<u>\$</u>	<u>\$</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>None</u>	<u>N/A</u>	<u>N/A</u>
<u>(no spouse; 1 adult son)</u>		
<u>                    </u>		

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. N/A-no expenses-incarcerated since 2009.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<u>\$-0-</u>	<u>\$ N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	<u>\$-0-</u>	<u>\$ N/A</u>
Home maintenance (repairs and upkeep)	<u>\$-0-</u>	<u>\$ N/A</u>
Food	<u>\$-0-</u>	<u>\$ N/A</u>
Clothing	<u>\$-0-</u>	<u>\$ N/A</u>
Laundry and dry-cleaning	<u>\$-0-</u>	<u>\$ N/A</u>
Medical and dental expenses	<u>\$-0-</u>	<u>\$ N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$-0-	\$N/A
Recreation, entertainment, newspapers, magazines, etc.	\$-0-	\$N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$-0-	\$N/A
Life	\$-0-	\$N/A
Health	\$-0-	\$N/A
Motor Vehicle	\$-0-	\$N/A
Other: <u>None</u>	\$-0-	\$N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A-none</u>	\$-0-	\$N/A
Installment payments		
Motor Vehicle	\$-0-	\$N/A
Credit card(s)	\$-0-	\$N/A
Department store(s)	\$-0-	\$N/A
Other: <u>None</u>	\$-0-	\$N/A
Alimony, maintenance, and support paid to others	\$-0-	\$N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$-0-	\$N/A
Other (specify): <u>None</u>	\$-0-	\$N/A
<b>Total monthly expenses:</b>	<b>\$-0-</b>	<b>\$N/A</b>

9. Do you expect any major changes in your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on 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? N/A, none.

If yes, state the persons's name address, and telephone number: N/A.

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? N/A, none.

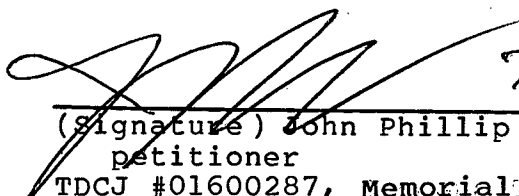
If yes, state the person's name, address, and telephone number: N/A.

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

I have been incarcerated since 2009. The only one who assisted me paying costs died years ago. I have been unable to obtain assistance from anyone in paying costs in the last ten years, plus.

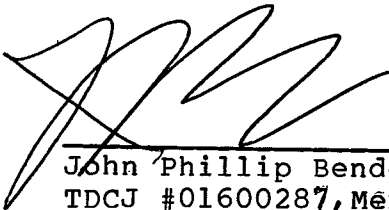
I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 26th day of July, 2024.

 7/26/24  
(Signature) John Phillip Bender,  
petitioner  
TDCJ #01600287, Memorial Unit, TC2-22  
59 Darrington Road, Rosharon, Texas 77583  
Rosharon, Texas 77583

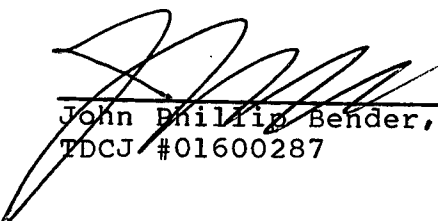
PROOF OF SERVICE

I, John Phillip Bender, Petitioner, certify that on the 26th day of July, 2024, a true and correct copy of petitioner's Motion for Leave to Proceed In Forma Pauperis with Affidavit or Declaration in Support of Motion for Leave to Proceed In Forma Pauperis attached, was served upon opposing counsel by mailing the same, first class mail, postage prepaid, addressed to: The Honorable Jose Garza, District Attorney, Travis County, Texas, P.O. Box 1748, Austin, Texas 78767, for affixing indigent inmate mail postage, before mailing.

 7/26/24  
\_\_\_\_\_  
John Phillip Bender, petitioner  
TDCJ #01600287, Memorial Unit, TC2-22  
59 Darrington Road  
Rosharon, Texas 77583

I, John Phillip Bender, certify under penalty of perjury that the foregoing is true and correct.

Executed on the 26th day of July, 2024.

 7/26/24  
\_\_\_\_\_  
John Phillip Bender, petitioner  
TDCJ #01600287