

24-5355

ORIGINAL

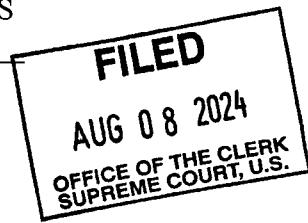
IN THE

SUPREME COURT OF THE UNITED STATES

DARIUS GILKEY— PETITIONER

VS.

STATE OF MICHIGAN— RESPONDENT(S)



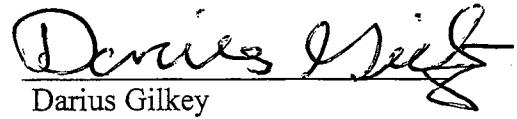
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

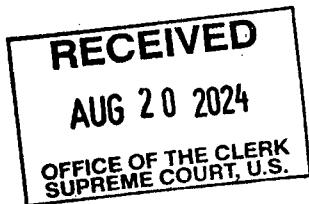
The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): U.S. Court of Appeals for the Sixth Circuit; U.S. District Court, Eastern District of Michigan; the Michigan Supreme Court and the Michigan Court of Appeals.

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.


Darius Gilkey



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

I, DARIUS GILKEY, 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	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Self-employment	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Income from real property (such as rental income)	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Interest and dividends	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Gifts	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Alimony	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Child Support	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Retirement (such as social security, pensions, annuities, insurance)	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Disability (such as social security, insurance payments)	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Unemployment payments	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Public-assistance (such as welfare)	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A
Other (specify):	None	\$ <u> </u> /A	\$ <u> </u> /A	\$ <u> </u> /A

Total monthly income: \$0.00 \$ N/A \$ N/A \$ 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
Unemployed/Incarcerated	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </u>
Unemployed/Incarcerated	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </u>
Unemployed/Incarcerated	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </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.) Never Married

Employer	Address	Dates of Employment	Gross monthly pay
<u> N/A </u>	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </u>
<u> N/A </u>	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </u>
<u> N/A </u>	<u> N/A </u>	<u> N/A </u>	<u> \$ 0.00 </u>

4. How much cash do you and your spouse have? \$ 0.00. 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
<u> None </u>	<u> N/A </u>	<u> \$ N/A </u>	<u> \$ N/A </u>
<u> None </u>	<u> N/A </u>	<u> \$ N/A </u>	<u> \$ N/A </u>
<u> None </u>	<u> N/A </u>	<u> \$ N/A </u>	<u> \$ N/A </u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. No Assets

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: No 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. No money owed to myself, no spouse.

	You	Your spouse
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Life	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Health	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Motor Vehicle	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Other: <u>None</u>	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>

Taxes (not deducted from wages or included in mortgage payments). No Taxes

(specify): N/A

Installment payments. No payments

Motor Vehicle	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Credit card(s)	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Department store(s)	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>
Other: <u>None</u>	\$ <u> </u> N/A <u> </u>	\$ <u> </u> N/A <u> </u>

Alimony, maintenance, and support paid to others. Nothing

Total monthly expenses: \$ 0.00 \$ N/A \$ N/A

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? N/A

If yes, state the attorney'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 X No

If yes, how much? N/A

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.

As clearly provided in the above questions, I am without any assets or any means of financial assistance. I have no other means to proceed other than by *pro per* indigent litigant status. The only source of income I receive is monthly prison pay, which is hardly sufficient to meet day-to-day needs. After out-of-pocket healthcare co-pays, basic hygiene necessities, and price inflated over-the-counter medications, paying a filing fee in this case is outside my ability.

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

Executed on: August 4, 2024


Darius Gilkey