

24 - 6381

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

DEC 27 2024

OFFICE OF THE CLERK

Gary Graham -- PETITIONER

vs.

United States of America -- 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.

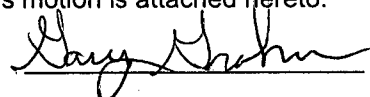
Petitioner has previously been granted leave to proceed in forma pauperis in
the following courts:

United States Court of Appeals for the Eighth Circuit

United States District Court for the District of Nebraska

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

Date: December 26, 2024



Gary Graham

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

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

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 | | | \$ |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ N/A
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 |
|---|-----------------|------------------------|
| | \$ | \$ |
| | \$ | \$ |
| | \$ | \$ |

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A
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

N/A

\$ N/A

\$ N/A

\$ _____

\$ _____

\$ _____

\$ _____

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

N/A

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

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ _____

\$ _____

Home maintenance (repairs and upkeep)

\$ _____

\$ _____

Food

\$ _____

\$ _____

Clothing

\$ _____

\$ _____

Laundry and dry-cleaning

\$ _____

\$ _____

Medical and dental expenses

\$ _____

\$ _____

| | You | Your spouse |
|---|-------------|---------------|
| Transportation (not including motor vehicle payments) | \$ <u>0</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u></u> | \$ <u></u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u></u> | \$ <u></u> |
| Life | \$ <u></u> | \$ <u></u> |
| Health | \$ <u></u> | \$ <u></u> |
| Motor Vehicle | \$ <u></u> | \$ <u></u> |
| Other: <u></u> | \$ <u></u> | \$ <u></u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): <u></u> | \$ <u></u> | \$ <u></u> |
| Installment payments | | |
| Motor Vehicle | \$ <u></u> | \$ <u></u> |
| Credit card(s) | \$ <u></u> | \$ <u></u> |
| Department store(s) | \$ <u></u> | \$ <u></u> |
| Other: <u></u> | \$ <u></u> | \$ <u></u> |
| Alimony, maintenance, and support paid to others | \$ <u></u> | \$ <u></u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u></u> | \$ <u></u> |
| Other (specify): <u></u> | \$ <u></u> | \$ <u></u> |
| Total monthly expenses: | \$ <u>0</u> | \$ <u>N/A</u> |

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 have been incarcerated for over 3 years and
have no assets

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

Executed on: December 26, 2024

Gary Graham
(Signature)

Inmate Statement



Inmate Reg #: 15716047
 Inmate Name: GRAHAM, GARY
 Report Date: 10/07/2024
 Report Time: 8:35:17 AM

Current Institution: Thomson AUSE
 Housing Unit: TOM-H-A
 Living Quarters: H01-013L

| <u>Alpha Code</u> | <u>Date/Time</u> | <u>Reference#</u> | <u>Payment#</u> | <u>Receipt#</u> | <u>Transaction Type</u> | <u>Transaction Amount</u> | <u>Encumbrance Amount</u> | <u>Ending Balance</u> |
|-------------------|-----------------------|-------------------|-----------------|-----------------|----------------------------|---------------------------|---------------------------|-----------------------|
| TOM | 10/2/2024 6:28:42 PM | TL1002 | | | TRUL Withdrawal | (\$30.00) | | \$291.11 |
| TOM | 9/30/2024 9:08:06 PM | 33324274 | | | Western Union | \$200.00 | | \$321.11 |
| TOM | 9/26/2024 7:15:34 AM | 4 | | | Sales | (\$192.90) | | \$121.11 |
| TOM | 9/24/2024 11:18:42 AM | TL0924 | | | TRUL Withdrawal | (\$30.00) | | \$314.01 |
| TOM | 9/23/2024 8:28:18 PM | 33324266 | | | Western Union | \$150.00 | | \$344.01 |
| TOM | 9/21/2024 6:16:19 PM | TL0921 | | | TRUL Withdrawal | (\$15.00) | | \$194.01 |
| TOM | 9/19/2024 11:46:08 AM | TL0919 | | | TRUL Withdrawal | (\$15.00) | | \$209.01 |
| TOM | 9/10/2024 2:27:35 PM | ZICP0924 | | | Inmate Co-pay | (\$2.00) | | \$224.01 |
| TOM | 9/9/2024 4:01:46 PM | ZFRP0924 | | | FRP Single Pymt | (\$100.00) | | \$226.01 |
| TOM | 8/31/2024 7:06:49 PM | 33324244 | | | Western Union | \$200.00 | | \$326.01 |
| TOM | 8/28/2024 1:12:19 PM | ZICP0824 | | | Inmate Co-pay | (\$2.00) | | \$126.01 |
| TOM | 8/27/2024 1:19:00 PM | TL0827 | | | TRUL Withdrawal | (\$30.00) | | \$128.01 |
| TOM | 8/21/2024 8:55:33 PM | TL0821 | | | TRUL Withdrawal | (\$15.00) | | \$158.01 |
| TOM | 8/19/2024 12:22:31 PM | 47 | | | Sales | (\$193.70) | | \$173.01 |
| TOM | 8/17/2024 6:43:08 PM | TL0817 | | | TRUL Withdrawal | (\$15.00) | | \$366.71 |
| TOM | 8/12/2024 7:07:46 PM | 33324225 | | | Western Union | \$200.00 | | \$381.71 |
| TOM | 8/6/2024 7:07:37 AM | 2 | | | Sales | (\$175.55) | | \$181.71 |
| TOM | 7/30/2024 10:57:05 AM | ZICP0724 | | | Inmate Co-pay | (\$2.00) | | \$357.26 |
| TOM | 7/18/2024 9:07:20 AM | 62 | | | Sales | (\$194.60) | | \$359.26 |
| TOM | 7/11/2024 10:07:05 AM | 33324193 | | | Western Union | \$200.00 | | \$553.86 |
| TOM | 7/11/2024 9:37:58 AM | TL0711 | | | TRUL Withdrawal | (\$15.00) | | \$353.86 |
| TOM | 7/10/2024 10:07:19 AM | 33324192 | | | Western Union | \$100.00 | | \$368.86 |
| TOM | 7/10/2024 3:17:06 AM | TX071024 | | | Transfer - In from TRUFACS | \$268.86 | | \$268.86 |

1

Total Transactions: 23

Totals: \$291.11 \$0.00

Current Balances

| <u>Alpha Code</u> | <u>Available Balance</u> | <u>Pre-Release Balance</u> | <u>Debt Encumbrance</u> | <u>SPO Encumbrance</u> | <u>Other Encumbrance</u> | <u>Outstanding Instruments</u> | <u>Administrative Holds</u> | <u>Account Balance</u> |
|-------------------|--------------------------|----------------------------|-------------------------|------------------------|--------------------------|--------------------------------|-----------------------------|------------------------|
| TOM | \$291.11 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$291.11 |
| Totals: | \$291.11 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$291.11 |

Other Balances

| <u>National 6 Months Deposits</u> | <u>National 6 Months Withdrawals</u> | <u>Natioanl 6 Months Avg Daily Balance</u> | <u>Local Max Balance - Prev 30 Days</u> | <u>Average Balance - Prev 30 Days</u> | <u>Commissary Restriction Start Date</u> | <u>Commissary Restriction End Date</u> |
|-----------------------------------|--------------------------------------|--|---|---------------------------------------|--|--|
| \$1,925.31 | \$1,634.20 | \$249.08 | \$344.01 | \$238.91 | N/A | N/A |