

24-6647

ORIGINAL

Supreme Court, U.S.  
FILED

JAN 21 2025

OFFICE OF THE CLERK

No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

OSCAR STILLEY,  
*Petitioner*

v.

JOHN THURSTON, IN HIS OFFICIAL CAPACITY AS ARKANSAS SECRETARY OF STATE,  
~~LAUREN COOKES~~, AND ARKANSANS FOR LIMITED GOVERNMENT  
*OS* *Respondents.*

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On Petition for Writ of Certiorari to the  
Supreme Court of the State of Arkansas

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MOTION FOR LEAVE TO  
PROCEED IN FORMA PAUPERIS  
(ATTACHED TO PETITION FOR WRIT OF CERTIORARI)

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By: Oscar Stilley, *Pro se*, DOJ-FBOP 10579-062  
Cimarron Correctional Facility  
3200 S. Kings Highway  
Cushing, OK 74023

## **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:

**X** Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner in *US v. Oscar Stilley*, OKND 4:09-cr-43, was granted standby counsel in district court proceedings in the aforementioned case, pursuant to the Criminal Justice Act, (18 USC 3006A) during the original proceedings, but Petitioner cannot say that this was done on the basis of a formal grant of IFP status. On the most recent revocation proceedings Petitioner was granted *in forma pauperis status*. On the basis of this status the 10<sup>th</sup> Circuit has waived filing fees and ordered transcripts at public expense for Petitioner Stilley's direct appeal.

**X** Petitioner has previously been granted leave to proceed *in forma pauperis* in any other court. (See explanation above.)

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

**D** Petitioner's affidavit or declaration is attached.

  
By: Oscar Stilley, *Pro se*

  
Date

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

I, Oscar Stilley 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 (I'm divorced)	Average monthly amount during the past 12 months		Amount expected next month
	You	Spouse	You
Employment See #12	\$450.00	\$N/A	\$0.00
Self-employment	\$400.00	\$N/A	\$25.00
Income from real property (such as rental income)	\$0.00	\$N/A	\$0.00
Interest and dividends	\$0.00	\$N/A	\$0.00
Gifts	\$15.00	\$N/A	\$50.00
Alimony	\$0.00	\$N/A	\$0.00
Child Support	\$0.00	\$N/A	\$0.00
Retirement (such as social security, pensions, annuities, insurance)	\$0.00	\$N/A	\$0.00
Disability (such as social security, insurance payments)	\$0.00	\$N/A	\$0.00
Unemployment payments	\$0.00	\$N/A	\$0.00
Public-assistance (such as welfare)	\$0.00	\$N/A	\$0.00
Other (specify): Royalties	\$100.00	\$N/A	\$100.00
<b>Total monthly income:</b>	<b>\$1,050</b>	<b>\$N/A</b>	<b>\$175</b>

2. List your employment history for the past two years, most recent first.  
(Gross monthly pay is before taxes or other deductions.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
			\$See # 12 _____
			\$ _____
			\$ _____

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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
			\$See #12 _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ See #12 \_\_\_\_\_  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

<b>Type of account (e.g., checking or savings)</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
Arvest checking	\$1,800	\$N/A
PayPal	\$21	\$N/A
	\$	\$

5. List the assets, and their values, which you own or your spouse owns.

Do not list clothing and ordinary household furnishings.

**D** Home  
Value See #12 \_\_\_\_\_

**D** Other real estate  
Value: See #12

**D** Motor Vehicle #1  
Year, make & model See #12

**D** Motor Vehicle #2  
Year, make & model  
None

**D** Other assets  
Description See #12 \_\_\_\_\_  
Value See # 12 \_\_\_\_\_

6. State every person, business, amount owed.

or organization owing you or your spouse money, and the

**Person owing you or  
your spouse money**

**Amount owed to you**

\$ \_\_\_\_\_

See #12

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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**

**See #12**

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**

Rent or home-mortgage payment (include  
lot rented for mobile home)

**\$ See #12**

Are real estate taxes included?

**D Yes** **D No**

Is property insurance included?

**D Yes** **D No**

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

**\$300**

Home maintenance (repairs and upkeep)

**\$N/A**

Food

**\$50.00**

Clothing

**\$10.00**

Laundry and dry-cleaning

**\$N/A**

Medical and dental expenses

**\$N/A**

	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	<u>\$45</u>	\$N/A
Other: _____	\$0	\$N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): Property	\$5	<u>\$N/A</u>
Installment payments		
Motor Vehicle	\$0.00	<u>\$N/A</u>
Credit card(s)	\$0	<u>\$N/A</u>
Department store(s)	\$0	<u>\$N/A</u>
Other: Adobe, Amazon	<u>\$40</u>	<u>\$N/A</u>
Alimony, maintenance, and support paid to others	\$0	<u>\$N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$0	<u>\$N/A</u>
Other (specify): M i s c . c o m m i s s a r y	\$100	<u>\$N/A</u>
<b>Total monthly expenses:</b>	<b>\$540</b>	<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?

**D Yes**    **D No**    If yes, describe on an attached sheet.

**See #12**

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?      **D Yes**    **D No**

If yes, how much? **See #12** \_\_\_\_\_

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?

**D Yes**    **D No**

If yes, how much? **See #12**

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 adapted this form from the official instructions. The form isn't suitable for providing explanations. Thus the inclusion of answers under this paragraph number.

Question 1. I used to work for REVAMP (Remember Every Victim and Missing Person in US, Inc.) a non-profit organization that assists persons suffering from an unsolved murder or missing person case. My first check was 5-12-2022. I started at \$13.75 per hour, 40 hours per week, \$550 per week gross pay. Hours were reduced to 30 per week with the check dated 6-9-2022. On 6-23-2022 pay was cut to \$11 per hour. Gross pay was \$660 every two weeks, or \$330 per week.

I get royalties from two books self published on Amazon. The \$100 per month is an estimate based on sales just before I went to prison on the second revocation of supervised release.

2. **EMPLOYMENT HISTORY:** REVAMP is at 3610 Towson Ave., Suite #3, Fort Smith, AR 72901. First check 5-12-2022, employment continued through ~~mid March~~ 2024. Pay was every two weeks, \$660 gross pay every two weeks. I was not paid the final paycheck or the two paychecks before that one.

3. **SPOUSE'S EMPLOYMENT HISTORY:** Current status - divorced.

4. **CASH.** I think I have about \$300 in cash based on recollection and transactions since coming to prison. I'm not sure.

5. **ASSETS.** I don't own a house or other real estate. I took title to a "time share" decades ago, but can't imagine that's still in my name. I pay no taxes, fees, upkeep, or anything else on it, couldn't find the place today without research, and haven't heard about it for many years.

I have a 2004 Toyota Avalon I bought for \$3,000. It is still worth \$3,000, possibly a bit more. I have a cell phone and a collection of home office equipment and supplies, cash sale value perhaps \$500.

6. RECEIVABLES. REVAMP owes me the last 3 paychecks, but the last one was 12 hours short of a full check. That's not collectible short of litigation. By my recollection my net pay would have been about \$1,500, but state law provides a penalty for wages not timely paid on discharge from employment, such that the plaintiff receives double the unpaid wages.

7. DEPENDENTS. I have no dependents.

8. EXPENSES. I need about \$300 per month for prison phone time, (23.3 cents per minute, plus putting money on the books is expensive) about \$150 per month for commissary, much of which is paper, printing, postage, etc., for my legal work. I have some subscriptions (Adobe Acrobat and Amazon Prime) which cost me about \$40 per month. My liability insurance on my car costs about \$45 per month.

9. CHANGES TO INCOME OR EXPENSES. I've mailed a motion for release pending appeal, which would allow me to at least earn a basic wage. The District Court said the notice of appeal divested it of jurisdiction, which means I'll have to file a motion at the 10<sup>th</sup> Circuit Court of Appeals.

10. MONEY FOR EXPENSES/ATTORNEYS. I haven't paid for help to fill out this form. I've bought paper, envelopes, postage, etc. Much of my phone time is attributable to legal efforts.

11. MONEY FOR SERVICES. I haven't paid anything for the preparation of this petition for certiorari.

#### **FURTHER EXPLANATIONS CONCERNING WHY THE COURT SHOULD GRANT THIS MOTION.**

I'm divorced. My uncle has been taking care of my Arvest bank account. However, it is now locked up, apparently due to too many attempts to log on from a computer not recognized by the bank's software. I don't know any way to get online access restored in time to make a difference in this litigation. I'm trying to get this fixed without compromising security.

Mail to and from this prison is dreadfully delayed. Virtually everything is delayed and obstructed. I can't send or receive files electronically, so as to get help from professionals such as those at printing firms or at law offices. It would be practically impossible for me to prepare a petition for certiorari for printing by Cockle Printing, which I used for the last petition for certiorari. On 1-2-2025 I mailed a motion for release pending appeal, in OKND 4:09-cr-43, but when it arrived at the OKND clerk's office in Tulsa, the postmark date on the envelope was 1-8-2025. It consistently takes CoreCivic (which runs this prison) close to a week to get mail from my hands into the hands of the US Postal Service.

If I get release pending appeal I'll have a decent chance to do whatever this Court requires of me, even if this IFP motion is denied. I would need to raise some money for costs. However, I now have to file at the 10<sup>th</sup> Circuit, which means that release pending appeal is probably at least 4-6 weeks away.

The software at this prison is terrible. I cannot get the IFP form to format any better than what you see here. I only have OpenOffice to write with, which means that most common Microsoft functions aren't available. Forgive please.

Therefore I most respectfully request that this Court grant this request for *in forma pauperis* status.

## VERIFICATION

Comes now Petitioner Oscar Stilley pursuant to 28 USC 1746 on the date stated below and declares under penalty of perjury that the foregoing facts are true and correct to the best of Stilley's knowledge and belief.

By: 

Oscar Stilley, *Pro se*, DOJ-FBOP 10579-062  
Cimarron Correctional Facility  
3200 S. Kings Highway  
Cushing, OK 74023

1-21-2025

Date

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