

No. _____ - Capital Case

IN THE
Supreme Court of the United States

MICHAEL WAYNE REYNOLDS,

Petitioner,

v.

COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Counsel for Petitioner

April 3, 2025

MOTION

Petitioner Michael Wayne Reynolds (“Mr. Reynolds”) requests leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. This relief is warranted, pursuant to Rule 39 of the Rules of the Supreme Court, because Mr. Reynolds sought similar relief below and was declared indigent on February 12, 2018, in the U.S. District Court for the Northern District of Alabama and proceeded *in forma pauperis*. *Motion to Proceed In Forma Pauperis at App.-001; N.D. Ala. 4:18-cv-00236-RDP Docket Report Excerpt at App.-008*.

As further grounds for relief, Mr. Reynolds has been incarcerated in the Holman Correctional Facility in Alabama. He has not had the opportunity to maintain employment during the years-long pendency of these proceedings and has received no income from any source since his incarceration. He has no assets or savings beyond what is in his prison account, and he owns nothing of value. Mr. Reynolds is not married, has no dependents, and has not paid for legal services related to his case. *Declaration in Support of Motion to Proceed In Forma Pauperis attached at App.-003*. He therefore remains indigent and unable to hire counsel.

CONCLUSION

For the foregoing reasons, Mr. Reynolds should be granted leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Seanna R. Brown

SEANNA R. BROWN

PARTNER

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Pro Bono Counsel for Petitioner

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

I, Michael Wayne Reynolds, 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	\$	\$ 0	\$
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 300	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
Total monthly income:	\$ 0	\$	\$ 0	\$

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? \$ 0
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
n/a	\$	\$
	\$	\$
	\$	\$

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

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

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

☐ Other assets
Description _____
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	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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 _____	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0 _____	\$ _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ _____
Food	\$ 0 _____	\$ _____
Clothing	\$ 0 _____	\$ _____
Laundry and dry-cleaning	\$ 0 _____	\$ _____
Medical and dental expenses	\$ 0 _____	\$ _____

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

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

Executed on: _____ March 13, 2025


(Signature)

APPENDIX

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

MICHAEL WAYNE REYNOLDS,

Petitioner,

- against -

JEFFERSON S. DUNN,

Commissioner, Alabama
Department of Corrections,

Respondent.

Case No. _____

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner Michael Wayne Reynolds respectfully moves this Court, pursuant to 28 U.S.C. § 2250 and Rule 3 of the Rules Governing § 2254 Proceedings in the United States District Courts, for leave to proceed in this matter *in forma pauperis*, without prepayment of costs or fees. Mr. Reynolds was declared indigent and proceeded *in forma pauperis* in all of the prior state court proceedings in this case. He further swears that he is indigent in the attached declaration.

Respectfully submitted,

/s/ Mary M. Drake

Samuel H. Franklin, Esq.

Mary M. Drake, Esq.

Gabriella E. Alonso, Esq.

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Seanna R. Brown, Esq.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

MICHAEL WAYNE REYNOLDS,

Petitioner,

- against -

JEFFERSON S. DUNN,

Commissioner, Alabama
Department of Corrections,

Respondent.

Case No. _____

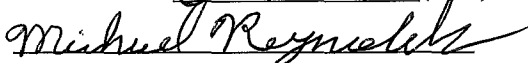
DECLARATION IN SUPPORT OF
MOTION TO PROCEED IN FORMA PAUPERIS

I, Michael Wayne Reynolds, declare that I am the petitioner in the above entitled case; that in support of the motion to proceed without being required to prepay fees, costs, or give security therefore, I state that because of my own poverty I am unable to pay the costs of said proceedings or to give security therefore; and that I believe I am entitled to redress.

1. I am not presently employed, and have not been employed since my incarceration.
2. In the past twelve months, I have received no money from any employment; no rent payments; no interest or dividends; no pensions, annuities or life insurance payments; no alimony or child support; no retirement funds; no disability payments; no unemployment payments; and no public assistance.
3. The sum total of any cash or savings in my prison account is reflected in the attached Certificate of Account. I have no other cash in any financial institution.
4. I own no assets, no money is owed to me, no one is dependent on me for support, and I do not expect any major changes to my monthly income or assets in the next twelve months.
5. I have not paid nor will I be paying an attorney or any other administrative assistant any money for services in connection with this case.
6. I am not married.

My legal residence is at Holman Correctional Facility, Holman 3700, Atmore, Alabama, 36503-3700. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-1-18 (date)



Michael Wayne Reynolds

Alabama Department of Corrections

ITF001

Average Inmate Deposit Balances for REYNOLDS, MICHAEL WAYNE AIS# 0000Z747

	Average Balance	Gross Deposits
12/31/2017	\$102.48	\$0.00
11/30/2017	\$17.77	\$240.00
10/31/2017	\$10.10	\$40.00
09/30/2017	\$7.11	\$40.00
08/31/2017	\$7.56	\$40.00
07/31/2017	\$12.44	\$80.00
06/30/2017	\$3.50	\$0.00
05/31/2017	\$9.70	\$40.00
04/30/2017	\$9.49	\$40.00
03/31/2017	\$7.37	\$40.00
02/28/2017	\$15.46	\$40.00
01/31/2017	\$8.34	\$120.00
	\$17.61	\$720.00

CERTIFICATE OF SERVICE

I certify that on the 9th day of February 2018, I served a copy of the attached pleading by first-class mail on the following at their addresses listed below:

Thomas R. Govan, Jr., Chief, Capital Litigation
Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36130

Jefferson S. Dunn, Commissioner
Alabama Department of Corrections
301 South Ripley Street
P.O. Box 301501
Montgomery, Alabama 36130

/s/ Mary M. Drake
Mary M. Drake, Esq.

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HABEAS, DEATH

**U.S. District Court
Northern District of Alabama (Middle)
CIVIL DOCKET FOR CASE #: 4:18-cv-00236-RDP**

Reynolds v. Dunn
Assigned to: Judge R David Proctor
Case in other court: Eleventh Circuit, 22-14015-P
Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 02/09/2018
Date Terminated: 03/25/2022
Jury Demand: None
Nature of Suit: 535 Death Penalty - Habeas Corpus
Jurisdiction: Federal Question

Plaintiff

Michael Wayne Reynolds

represented by **Gabriella Elise Alonso**
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TERMINATED: 05/22/2019
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ATTORNEY TO BE NOTICED

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V.

Respondent

Jefferson S Dunn
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TERMINATED: 10/11/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2018	<u>1</u>	PETITION for Writ of Habeas Corpus, filed by Michael Wayne Reynolds.(KAM) (Entered: 02/09/2018)
02/09/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Michael Wayne Reynolds. (KAM) (Entered: 02/09/2018)

02/12/2018	7	TEXT ORDER Petitioner has submitted a Motion for Leave to Proceed In Forma Pauperis. <u>2</u> The court finds that Plaintiff is indigent, and the Motion for Leave to Proceed In Forma Pauperis <u>2</u> is hereby GRANTED . The Clerk is DIRECTED to file this action without prepayment of the habeas fee. Signed by Judge R David Proctor on 2/12/2018. (KAM) (Entered: 02/12/2018)
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