

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

SEANNA R. BROWN
LAN HOANG
PATRICK T. CAMPBELL
ALEXANDRA KARAMBELAS
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
(212) 589-4200

SAMUEL H. FRANKLIN
M. WESLEY SMITHART
LIGHTFOOT FRANKLIN & WHITE, LLC
400 20th Street North
Birmingham, Alabama 35203
(205) 581-0700

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

BAKER & HOSTETLER LLP
45 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10111
(212) 589-4200
sbrown@bakerlaw.com

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

Michael Reynolds
(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.

Lightfoot, Franklin & White, LLC

The Clark Building

400 20th Street North

Birmingham, Alabama 35203

Telephone: 205.581.0700

Facsimile: 205.581.0799

Seanna R. Brown, Esq.
(Admission *pro hac vice* pending)

Patrick T. Campbell, Esq.
(Admission *pro hac vice* pending)
Baker & Hostetler LLP
45 Rockefeller Plaza, 14th Floor
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201

Hannah C. Choate, Esq.
(Admission *pro hac vice* pending)
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, D.C. 20036-5304
Telephone: 202.861.1500
Facsimile: 202.861.1783

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

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.

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**
 BRADLEY, ARANT, BOULT & CUMMINGS
 600 Travis Street, Ste.4800
 Houston, TX 77002
 713-576-0339
 Email: galonso@bradley.com
 TERMINATED: 05/22/2019
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Hannah Choate

BAKER & HOSTELER LLP
 1050 Connecticut Ave. N.W. Suite 1100
 Washington, DC 20036
 202-861-1500
 Fax: 202-861-1783
 Email: hchoate@bakerlaw.com
 LEAD ATTORNEY
 PRO HAC VICE
 ATTORNEY TO BE NOTICED

Mary M Drake

LIGHTFOOT FRANKLIN & WHITE LLC
 400 20th Street North
 Birmingham, AL 35203
 205-581-0700
 Email: mdrake@lightfootlaw.com
 TERMINATED: 06/15/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Patrick Campbell

BAKER & HOSTELER LLP
 45 Rockefeller Plaza 14th Floor

New York, NY 10111
212-589-4200
Fax: 212-589-4201
Email: pcampbell@bakerlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Samuel H Franklin
LIGHTFOOT FRANKLIN & WHITE LLC
The Clark Building
400 20th Street, North
Birmingham, AL 35203
581-0700
Fax: 581-0799
Email: sfranklin@lightfootlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Seanna Brown
BAKER & HOSTELER LLP
45 Rockefeller Plaza 14th Floor
New York, NY 10111
212-589-4200
Fax: 212-589-4201
Email: sbrown@bakerlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David A Rich
CHARTWELL LAW OFFICES, LLP
170 Worcester Street, Suite 200
Wellesley, MA 02481-5508
205-569-7445
Email: drich@chartwelllaw.com
ATTORNEY TO BE NOTICED

M Wesley Smithart
LIGHTFOOT FRANKLIN & WHITE
400 20th Street North
Birmingham, AL 35203
205-581-1571
Email: wsmithart@lightfootlaw.com
ATTORNEY TO BE NOTICED

V.

Respondent

Jefferson S Dunn
Commissioner

represented by **Richard Dearman Anderson**
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
PO Box 300152

Montgomery, AL 36130-0152
 334-353-2021
 Fax: 334-353-8400
 Email: Courtney.cramer@alabamaag.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas R Govan , Jr
 OFFICE OF THE ATTORNEY GENERAL
 501 Washington Avenue
 Montgomery, AL 36130
 334-242-7455
 Fax: 334-353-3637
 Email: ccramer@ago.state.al.us
TERMINATED: 10/11/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2018	1	PETITION for Writ of Habeas Corpus, filed by Michael Wayne Reynolds.(KAM) (Entered: 02/09/2018)
02/09/2018	2	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. 2 The court finds that Plaintiff is indigent, and the Motion for Leave to Proceed In Forma Pauperis 2 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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