

No. 24-_____

IN THE
Supreme Court of the United States

THERESA BATSON,
Petitioner,
v.

FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rules 12.2, 21, and 39 of the Rules of this Court, petitioner Theresa Batson, by counsel, respectfully asks leave to file the accompanying Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

On October 17, 2022, Ms. Batson, *pro se*, filed a Petition for Federal Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Southern District of Florida. *Batson v. Florida Dep’t of Corr.*, No. 22-cv-14354-BB (S.D. Fla.), ECF No. 1. On September 20, 2023, the district court denied the petition as untimely but granted Ms. Batson a certificate of appealability. ECF No. 11. Ms. Batson appealed the district court’s order of dismissal. ECF No. 12. Thereafter, the Eleventh Circuit entered a Limited Remand Order vacating the

certificate of appealability granted by the district court because it failed to specify the constitutional issue supporting the grant of the certificate. ECF No. 15. On November 6, 2023, the district court accordingly reissued a certificate of appealability to comply with the Limited Remand Order. ECF No. 16.

On November 16, 2023, Ms. Batson filed with the district court a Motion for Permission To Appeal In Forma Pauperis. ECF No. 18. That motion was granted on November 17, 2023. ECF No. 20.

Undersigned counsel contacted Ms. Batson in September 2023, following the district court's denial of her habeas application, and represented her before the Eleventh Circuit. *See generally Batson v. Florida Dep't of Corr.*, No. 23-13367 (11th Cir.). Counsel assisted Ms. Batson in preparing briefing and presented oral argument on her behalf in September 2024. ECF No. 56. On October 28, 2024, the Eleventh Circuit affirmed the district court's dismissal of Ms. Batson's habeas petition as untimely. ECF No. 60 (App. 1a-19a). Ms. Batson then filed a petition for panel rehearing, which the court denied on January 10, 2025. ECF No. 69 (App. 34a). Counsel sought leave for one extension of the deadline to file a petition for certiorari before this Court, which the Court granted on March 31, 2025. ECF No. 73 (No. 24A938 (U.S.)).

Attached is an Affidavit in Support of this Motion for Leave To Proceed *In Forma Pauperis*. Undersigned counsel discussed the Affidavit with Ms. Batson via telephone and transcribed Ms. Batson's responses. Because Ms. Batson currently is incarcerated, she granted counsel permission to sign the Affidavit on her behalf.

Respectfully submitted,



DAVID C. FREDERICK
MARY CHARLOTTE Y. CARROLL
Counsel of Record
KELLOGG, HANSEN, TODD, FIGEL
& FREDERICK, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900

Counsel for Petitioner

May 12, 2025

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

I, Theresa Batson, 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>50</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>50</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
Lowell Correctional Institution	11120 NW Gainesville Rd, Ocala, FL	March 2025 - Present (first paycheck not yet received)	\$ 50
			\$
			\$

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 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
Description N/A
Value N/A

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 _____	\$ N/A _____
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 _____	\$ N/A _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ N/A _____
Food	\$ 0 _____	\$ N/A _____
Clothing	\$ 0 _____	\$ N/A _____
Laundry and dry-cleaning	\$ 0 _____	\$ N/A _____
Medical and dental expenses	\$ 0 _____	\$ N/A _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</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 am indigent and have been incarcerated since 2010.

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

Executed on: May 12, 2025


Theresa Batson

(signed by Mary Charlotte Y. Carroll, on behalf
of and with the consent of Theresa Batson)