

No. _____

In the
Supreme Court of the United States

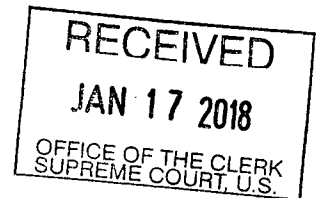
DAVID Z. SIMPSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.



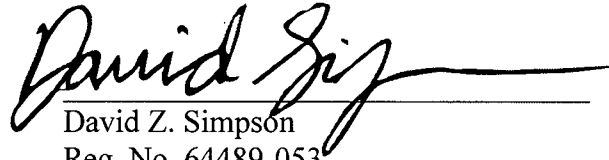
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, David Z. Simpson, petitioner herein, proceeding *pro se*, herewith move to proceed with the filing of a *Petition for A Writ of Certiorari* without prepayment of fees, *in forma pauperis*.

Contemporaneously herewith, I am filing a *Petition for a Writ of Certiorari* seeking to proceed on a significant question regarding application of the sentencing factors of 18 U.S.C. § 3553(a) in the context of a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. §1B1.10. As demonstrated by the attached affidavit of indigency made on a form prescribed by this Court, I demonstrate my inability to pay the filing fees assessed by this Court.

Good cause has been shown for granting this *Motion* and permitting me to proceed *in forma pauperis*, and on grant of the *Petition for a Writ of Certiorari*, to have counsel appointed herein.

WHEREFORE, this *Motion to Proceed In Forma Pauperis* should be granted.

A handwritten signature in black ink, appearing to read "David Z. Simpson", with a long horizontal flourish extending to the right.

David Z. Simpson
Reg. No. 64489-053
Metropolitan Detention Center
P.O. Box 329002
Brooklyn, NY 11232

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID Z. SIMPSON — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

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:

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

U.S. District Court; U.S. Court of Appeals for Second Circuit

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____
_____, or

☐ a copy of the order of appointment is appended.

(Signature)

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

I, David Z. Simpson, 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	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Gifts	\$ <u>100.00</u>	\$ <u>0.00</u>	\$ <u>100.00</u>	\$ <u>0.00</u>
Alimony	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Child Support	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Other (specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Total monthly income:	\$ <u>128.56</u>	\$ <u>0.00</u>	\$ <u>128.56</u>	\$ <u>0.00</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
Petitioner has been incarcerated since 2009			\$ 23.56
			\$
			\$

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
Unknown - spouse and petitioner are separated and will be divorcing. Spouse has returned to Trinidad. Petitioner has no information about spouse's income or expenses.			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ about \$50.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Inmate trust account		\$	\$
		\$	\$
		\$	\$

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

☒ Home (rental) 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
<u>None</u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Daniel Z. Simpson</u>	<u>Son</u>	<u>15</u>
<u>Joel Z. Simpson</u>	<u>Son</u>	<u>11</u>
<u> </u>	<u> </u>	<u> </u>

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)	\$ <u>0.00</u>	\$ <u>0.00*</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone) <u>inmate telephone</u>	\$ <u>69.00</u>	\$ <u>0.00*</u>
Home maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>0.00*</u>
Food	\$ <u>0.00</u>	\$ <u>0.00*</u>
Clothing	\$ <u>0.00</u>	\$ <u>0.00*</u>
Laundry and dry-cleaning	\$ <u>0.00</u>	\$ <u>0.00*</u>
Medical and dental expenses	\$ <u>0.00</u>	\$ <u>0.00*</u>

* Spouse and petitioner are separated, and petitioner has no information on her

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ 0.00*
Recreation, entertainment, newspapers, magazines, etc.	\$ 50.00**	\$ 0.00*
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ 0.00*
Life	\$ 0.00	\$ 0.00*
Health	\$ 0.00	\$ 0.00*
Motor Vehicle	\$ 0.00	\$ 0.00*
Other: _____	\$ 0.00	\$ 0.00*
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0.00	\$ 0.00*
Installment payments		
Motor Vehicle	\$ 0.00	\$ 0.00*
Credit card(s)	\$ 0.00	\$ 0.00*
Department store(s)	\$ 0.00	\$ 0.00*
Other: _____	\$ 0.00	\$ 0.00*
Alimony, maintenance, and support paid to others	\$ 0.00	\$ 0.00*
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ 0.00*
Other (specify): _____	\$ 0.00	\$ 0.00*
Total monthly expenses:	\$119.00	\$ 0.00*

* Spouse and petitioner are separated, and petitioner has no information on her

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.

Defendant has been incarcerated for the past seven years, and is not of independent means.

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

Executed on: January, 2018


(Signature)