

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BRIAN MICHAEL BREWER — 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*.

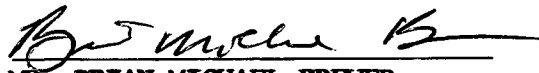
[☒] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. Court of Appeals for the Ninth Circuit (CJA) Counsel & Direct Appeal

U.S. DISTRICT COURT DISTRICT OF NEVADA LAS VEGAS DIVISION (CJA) Counsel

[☐] 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.


MR. BRIAN MICHAEL BREWER
(Signature)

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

I, BRIAN MICHAEL BREWER, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>45.56</u>	\$ <u>0</u>	\$ <u>50.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>FAMILY</u>	\$ <u>100.00</u>	\$ <u>0</u>	\$ <u>100.00</u>	\$ <u>0</u>
Total monthly income:	\$ <u>45.00</u>	\$ <u>0</u>	\$ <u>200.00</u>	\$ <u>0</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
UNICOR INDUSTRIES	FCC PETERSBURG	2017	\$ 68.73
N/A NONE	NONE	NONE	\$ 0
NONE	NONE	NONE	\$ 0

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
NONE	NONE	NONE	\$ 0
NONE	NONE	NONE	\$ 0
NONE	NONE	NONE	\$ 0

4. How much cash do you and your spouse have? \$ _____
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
NONE	NONE	\$	\$ 0
NONE	NONE	\$	\$ 0
NONE	NONE	\$	\$ 0

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

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model NONE
Value 0

☐ Motor Vehicle #2
Year, make & model NONE
Value 0

☐ Other assets
Description NONE
Value 0

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
NONE	\$ 0	\$ 0
NONE	\$ 0	\$ 0
NONE	\$ 0	\$ 0

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

Name	Relationship	Age
NONE	NONE	NONE
NONE	NONE	NONE
NONE	NONE	NONE

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	\$ 0
Are real estate taxes included? ☒ Yes ☐ No		
Is property insurance included? ☒ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 20.00	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 10.00	\$ 0
Medical and dental expenses	\$ 5.00	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>FINE/RESTITUTION (FRP)</u>	\$ <u>34.63</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>LEGAL MAIL POSTAGES</u>	\$ <u>100.00</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>LEGAL DOCUMENT PREPERATION</u>	\$ <u>150.00</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>320.63</u>	\$ <u>0</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. 1/

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? \$150.00

If yes, state the person's name, address, and telephone number:

Rose's Legal Project Inmate Operated
FCC Petersburg P.O. Box 1000
Virginia 23804-1000

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Petitioner, is a Federal Inmate Sentenced to a term of 210 Months.

Under a Unconstitutionally Overbroad Statute and petitions a facial challenge.

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

Executed on: 15 day of December, 2017.

Footnote: 1/ Inmate Statement 2 Pages

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MR. BRIAN MICHAEL BREWER

Inmate Statement



Inmate Reg #: 50290048
 Inmate Name: BREWER, BRIAN
 Report Date: 11/29/2017
 Report Time: 3:31:10 PM

Current Institution: Petersburg - FCC
 Housing Unit: PEM-C-N
 Living Quarters: C03-004L

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
PEX	11/21/2017 11:02:22 AM	35			Sales	(\$26.05)		\$0.52
PEX	11/17/2017 4:29:59 PM	TFN1117			Phone Withdrawal	(\$15.00)		\$26.57
PEX	11/16/2017 2:01:41 PM	58			Sales	(\$153.75)		\$41.57
PEX	11/15/2017 4:43:44 PM	TL112017			Pre-Release Transaction		\$40.00	-----
PEX	11/15/2017 3:30:22 PM	TL1115			TRUL Withdrawal	(\$2.00)		\$195.32
PEX	11/15/2017 3:29:48 PM	TL112017			Pre-Release Transaction		(\$20.00)	-----
PEX	11/15/2017 2:30:26 PM	TL1115			TRUL Withdrawal	(\$2.00)		\$197.32
PEX	11/15/2017 11:11:25 AM	TL1115			TRUL Withdrawal	(\$2.00)		\$199.32
PEX	11/15/2017 7:06:14 AM	33317319			Western Union	\$200.00		\$201.32
PEX	11/15/2017 7:06:14 AM	33317319			Pre-Release Transaction		(\$20.00)	-----
PEX	11/9/2017 2:10:44 PM	75			Sales	(\$35.80)		\$1.32
PEX	11/8/2017 2:17:51 PM	TL112017			Pre-Release Transaction		\$6.87	-----
PEX	11/8/2017 1:10:09 PM	TUNI1017			Centralized Unicor	\$68.73		\$71.48
PEX	11/8/2017 1:10:09 PM	TUNI1017			Pre-Release Transaction		(\$6.87)	-----
PEX	11/8/2017 1:10:09 PM	TFRU1117			FRP Unicor Pymt	(\$34.36)		\$37.12
PEX	11/6/2017 5:06:18 PM	TL1106			TRUL Withdrawal	\$1.70		\$2.75
PEX	10/25/2017 12:01:18 PM	57			Sales	(\$41.25)		\$1.05
PEX	10/19/2017 2:14:09 PM	47			Sales	(\$152.85)		\$42.30
PEX	10/18/2017 2:10:56 PM	TL102017			Pre-Release Transaction		\$20.00	-----
PEX	10/18/2017 2:10:40 PM	TL1018			TRUL Withdrawal	(\$5.00)		\$195.15
PEX	10/17/2017 7:05:15 PM	33317290			Western Union	\$200.00		\$200.15
PEX	10/17/2017 7:05:15 PM	33317290			Pre-Release Transaction		(\$20.00)	-----
PEX	10/13/2017 11:29:10 AM	23			Sales	(\$37.50)		\$0.15
PEX	10/9/2017 3:14:53 PM	TFN1009			Phone Withdrawal	(\$9.00)		\$37.65
PEX	10/6/2017 8:31:53 PM	TL102017			Pre-Release Transaction		\$9.67	-----
PEX	10/6/2017 4:42:51 PM	TL1006			TRUL Withdrawal	(\$2.00)		\$46.65
PEX	10/6/2017 8:36:16 AM	TUNI0917			Centralized Unicor	\$96.71		\$97.00
PEX	10/6/2017 8:36:16 AM	TUNI0917			Pre-Release Transaction		(\$9.67)	-----
PEX	10/6/2017 8:36:16 AM	TFRU1017			FRP Unicor Pymt	(\$48.35)		\$48.65
PEX	10/5/2017 2:56:23 PM	66			Sales	(\$39.40)		\$0.29
PEX	10/2/2017 2:46:24 PM	TL102017			Pre-Release Transaction		\$20.00	-----
PEX		TL1002			TRUL Withdrawal	\$4.25		\$39.69

	10/2/2017 8:59:37 AM							
PEX	9/21/2017 3:01:23 TL0921 PM	TRUL Withdrawal	(\$2.00)					\$35.44
PEX	9/21/2017 2:14:53 71 PM	Sales	(\$163.70)					\$37.44
PEX	9/19/2017 9:05:06 33317262 PM	Western Union	\$200.00					\$201.14
PEX	9/19/2017 9:05:06 33317262 PM	Pre-Release Transaction				(\$20.00)		-----
PEX	9/19/2017 3:22:49 TFN0919 PM	Phone Withdrawal	(\$10.00)					\$1.14
PEX	9/13/2017 3:14:29 TL0913 PM	TRUL Withdrawal	(\$2.00)					\$11.14
PEX	9/8/2017 8:45:10 TL0908 PM	TRUL Withdrawal	(\$2.00)					\$13.14
PEX	9/8/2017 2:13:18 72 PM	Sales	\$3.40					\$15.14
PEX	9/8/2017 2:11:09 71 PM	Sales	(\$53.50)					\$11.74
PEX	9/8/2017 1:39:52 SUNI0817 PM	Centralized Unicor	\$123.18					\$126.83
PEX	9/8/2017 1:39:52 SUNI0817 PM	Pre-Release Transaction				\$0.00		-----
PEX	9/8/2017 1:39:52 SFRU0917 PM	FRP Unicor Pymt	(\$61.59)					\$65.24
PEX	8/31/2017 3:01:14 62 PM	Sales	(\$46.50)					\$3.65
PEX	8/26/2017 10:29:51 TL0826 AM	TRUL Withdrawal	(\$5.00)					\$50.15
PEX	8/25/2017 4:32:22 TFN0825 PM	Phone Withdrawal	(\$10.00)					\$55.15
PEX	8/25/2017 6:14:35 TL0825 AM	TRUL Withdrawal	\$12.50					\$65.15
PEX	8/24/2017 7:00:19 TL082017 PM	Pre-Release Transaction				\$20.00		-----
PEX	8/24/2017 3:10:34 90 PM	Sales	(\$132.55)					\$52.65
1 2 3 4								
Total Transactions: 183								
		Totals:	(\$8.31)			\$0.00		

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
PEX	\$0.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.52
Totals:	\$0.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.52

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>Natioanl 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$1,894.90	\$2,135.37	\$45.56	\$201.32	\$13.94	N/A	N/A