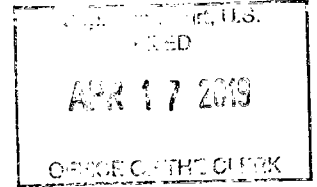


18-9526 ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



JIMCY McGIRT—PRO SE PETITIONER

VS.

STATE OF OKLAHOMA—RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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 courts:

The District Court of Wagoner County, Oklahoma, May 05, 1997, *State v. McGirt*, CF-96-0355 (jury trial); June 18, 2018, *McGirt v. State*, CF-96-0355, (post-conviction relief application);

The Oklahoma Court of Criminal Appeals, June 26, 1997, *McGirt v. State*, F-97-0967 (direct appeal); October 15, 2018, *McGirt v. State*, PC-2018-1057, (post conviction appeal).

Courts never appointed counsel for these proceedings.

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

EXECUTED under penalty of perjury at James Crabtree Correctional Center, and resubmitted May 16, 2019.

Jimcy McGirt, 05/16/19
JIMCY MCGIRT, Pro se Petitioner
216 North Murray Street Unit 5 south
Helena, OK 73741-1018

DECLARATION IN SUPPORT OF

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Jimcy McGirt, 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 therefore; and I believe I am entitled to redress.

1. I am a 70-year-old pauper in Oklahoma Department of Corrections custody since June 26, 1997; my only income is the \$14.45 monthly gang pay (all taken by my legal or medical co-pays—see enclosed inmate trust fund statement marked 4); I am unmarried; I have no dependents, no friends or family willing or able to help me with the costs of this action; no property of any value (real or personal, i.e. homes, cars, businesses—see enclosed Office of Special Trustee statement marked 5); no checking or savings accounts in any financial institutions other than the DOC’s inmate trust fund (see inmate trust fund statement marked 4).

2. Unemployed.

Income source:	Average monthly amount during the past 12 months:	Amount expected next month:
DOC gang pay	\$14.45	\$14.45
(DOC takes all of my gang pay for my legal and medical co-pays soon as it becomes available in my account.)		

3. Not married and a pauper in DOC custody since June 26, 1997.

4. No cash or savings, not even in DOC inmate trust fund account (see DOC statement marked 4), in any bank or other financial institution.

5. I have no home, no motor vehicle(s) and 1/10 of 1/60 interest in Indian allotment inherited from my deceased mother’s estate in September 2018 (see enclosed OST statement marked 5).

6. I have no debts other than the legal and medical co-pays I owe (see DOC statement marked 4).

7. I have no dependents.

8. My only expenses are the legal and medical co-pays, which vary, and is taken by DOC soon as the money becomes available in my account (see DOC statement marked 4).

TOTAL MONTHLY EXPENSES EXCEED MY ONLY INCOME, \$14.45 DOC GANG PAY.

9. NO expected change in monthly income, expenses, assets, or liabilities during the next-12-months.

10. NO payments, or expected payments, to any attorney or firm.

11. I have not paid any money to anyone in relation to this case, or any case—none to pay.

12. There is no other information other than that I am a pauper in DOC custody, since June 26, 1997, with no family or friends willing or able to pay, or help pay, the expenses of this case; no income other than the \$14.45 monthly gang pay; no personal property or any assets other than my 1/10 of 1/60 % interest in Indian allotment land inherited from my mother's estate September 11, 2018 (see enclosed OST statement marked 5).

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

EXECUTED at James Crabtree Correctional Center Helena, OK May 16, 2019.

Lincy McGirt, 05/16/19
Lincy McGirt, #178480, Pro se Petitioner
216 North Murray Street Unit 5 south
Helena, OK 73741-1018

Offender Statement Report

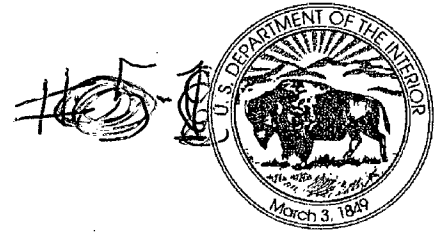
Offender#	Offender/Group Name	Institution	Unit	Cell/Bed
0178480	MCGIRT, JIMCY	JCCC	UNIT 5	SOUTH-BUNK 107A

Transaction List

Transaction Date	Transaction Type	Source Document #	Receipt#/Check#	Sender Name	Amount	Account Balance
09/01/2018	BEGINNING BALANCE					\$2.89
09/05/2018	INSTITUTIONAL DEBT	COPIES/POSTAGE			(\$2.50)	\$0.39
09/05/2018	INSTITUTIONAL DEBT	COPIES,MAIL, POSTAGE			(\$0.39)	\$0.00
09/18/2018	OUTSIDE SOURCE	4030 89047812	111557	US TREASURY	\$34.58	\$34.58
09/18/2018	INSTITUTIONAL DEBT	COPIES,MAIL, POSTAGE			(\$2.96)	\$31.62
09/18/2018	LEGAL COPAY	LEGAL 1/17/18			(\$1.19)	\$30.43
09/18/2018	LEGAL COPAY	LEGAL 1/23/18			(\$0.50)	\$29.93
09/18/2018	LEGAL COPAY	LEGAL 1/25/18			(\$0.15)	\$29.78
09/18/2018	LEGAL COPAY	LEGAL 1/29/18			(\$4.61)	\$25.17
09/18/2018	LEGAL COPAY	COPIES			(\$3.25)	\$21.92
09/18/2018	LEGAL COPAY	COPIES/POSTAGE			(\$2.86)	\$19.06
09/18/2018	LEGAL COPAY	COPIES/MAIL			(\$6.82)	\$12.44
09/18/2018	LEGAL COPAY	MAIL			(\$3.10)	\$9.34
09/18/2018	LEGAL COPAY	MAIL			(\$1.36)	\$7.98
09/18/2018	LEGAL COPAY	COPIES/MAIL			(\$1.07)	\$6.91
10/01/2018	GANG PAY				\$14.45	\$21.36
10/01/2018	LEGAL COPAY	COPIES/MAIL			(\$7.47)	\$13.89
10/01/2018	LEGAL COPAY	3/6/18JC			(\$1.00)	\$12.89
10/01/2018	LEGAL COPAY	3/6/18JC			(\$1.50)	\$11.39
10/01/2018	LEGAL COPAY	COPIES/MAIL			(\$1.59)	\$9.80
10/05/2018	SALES	11			(\$6.73)	\$3.07
10/17/2018	INSTITUTIONAL DEBT	MAIL,POSTAGE, CERTIFI			(\$0.18)	\$2.89
10/31/2018	GANG PAY				\$14.45	\$17.34
10/31/2018	INSTITUTIONAL DEBT	MAIL,POSTAGE, CERTIFI			(\$7.22)	\$10.12
10/31/2018	INSTITUTIONAL DEBT	JCC COPIES			(\$0.50)	\$9.62
10/31/2018	LEGAL COPAY	COPIES/MAIL			(\$1.76)	\$7.86
10/31/2018	LEGAL COPAY	COPIES/MAIL			(\$2.08)	\$5.78
11/06/2018	SALES	36			(\$5.66)	\$0.12
11/20/2018	LEGAL COPAY	COPIES,MAIL, POSTAGE			(\$0.12)	\$0.00
11/30/2018	GANG PAY				\$14.45	\$14.45
11/30/2018	INSTITUTIONAL DEBT	MAIL,POSTAGE, CERTIFI			(\$2.27)	\$12.18
11/30/2018	LEGAL COPAY	COPIES/MAIL			(\$2.37)	\$9.81
11/30/2018	LEGAL COPAY	COPIES			(\$0.50)	\$9.31
11/30/2018	LEGAL COPAY	JCCC 3-19-18			(\$3.00)	\$6.31
11/30/2018	LEGAL COPAY	JCCC 3-19-18			(\$1.36)	\$4.95
11/30/2018	LEGAL COPAY	COPIES/MAIL			(\$2.06)	\$2.89
12/05/2018	SALES	2			(\$2.53)	\$0.36
12/19/2018	LEGAL COPAY	COPIES			(\$0.36)	\$0.00
12/31/2018	GANG PAY				\$14.45	\$14.45
12/31/2018	LEGAL COPAY	COPIES/MAIL			(\$1.14)	\$13.31
12/31/2018	LEGAL COPAY	COPIES/POSTAGE			(\$2.11)	\$11.20
12/31/2018	LEGAL COPAY	POSTAGE			(\$0.68)	\$10.52

012609 0102

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SPECIAL TRUSTEE
FOR AMERICAN INDIANS
4400 MASTHEAD ST NE, JOURNAL CENTER 2
ALBUQUERQUE, NM 87109



#5-1

JIMCY MCGIRT
#178480
216 N MURRAY ST UNIT 6N-JCCC
HELENA OK 73741

IF YOU HAVE ANY QUESTIONS,
PLEASE CALL 888.678.6836
TRUST BENEFICIARY CALL CENTER
HOURS OF OPERATION:
MONDAY - FRIDAY: 7:00AM - 6:00PM (MT)
SATURDAY: 8:00AM - NOON (MT)

ACCOUNT OF JIMCY MCGIRT
XXXXXXXX5841

TRANSACTION ACTIVITY FOR ACCOUNTING PERIOD: 09/05/18 THROUGH 09/30/18

DATE	TRANSACTION DESCRIPTION	CASH
	BEGINNING BALANCES	0.00
1) 09/11/18	CASH RECEIPT ESTATE DISTRIBUTION PAID FROM ACCOUNT # XXXXXX4429 JV09TP182718 9/7/2018 PB 12 56	34.58
2) 09/11/18	CASH DISBURSEMENT PAID TO JIMCY MCGIRT #178480 216 N MURRAY ST UNIT 6N-JCCC HELENA OK 73741 ACCOUNT BALANCE T/A CHECK # 89047812	-34.58
	ENDING BALANCES	0.00

THE BALANCE IN YOUR ACCOUNT IS INVESTED DAILY. REALIZED GAINS OR LOSSES MAY OCCUR IN THE FUND AS A RESULT OF REDEMPTION OF ASSETS PRIOR TO MATURITY. ANY GAIN OR LOSS IN THE FUND IS REFLECTED ABOVE IN YOUR MONTHLY INCOME EARNED IN THE ANNUALIZED RATE. IF THE BALANCE IN YOUR ACCOUNT GENERATES AT LEAST ONE CENT OF INCOME, THEN THE INCOME IS POSTED.

1. ~~Mother's~~ Accumulated amount since 10/26/06 death.
2. Accumulated co-pay for legal (copies and postage) / medical. ~~postage~~ took all of this amount in one accounting.



LIST OF REAL PROPERTY ASSETS

JIMCY MCGIRT
ACCOUNT NO. XXXXX5841

AS OF 09/30/18

#5-2
PAGE 3

012609 0202

-----LEGEND TO REAL PROPERTY ASSET SCHEDULE-----

ACCOUNT NUMBER: THIS IS YOUR IIM ACCOUNT NUMBER AND LAND OWNER ID NUMBER.

UNDIVIDED OWNERSHIP: THIS IS THE UNDIVIDED OWNERSHIP INTEREST YOU OWN IN THE RESPECTIVE TRACT AND/OR ENCUMBRANCES; WHEN FOLLOWED BY A PLUS ('+'), THE OWNERSHIP INTEREST IS SMALLER THAN CAN BE REPRESENTED BY A DECIMAL AMOUNT.

TRACT ID: THIS IS THE UNIQUE BIA NUMBER ASSIGNED TO THE TRACT OF LAND; WHEN PRECEDED BY AN ASTERISK ('*'), THE TRACT IS ENCUMBERED.

OWNERSHIP CLASSIFICATION: THE FOLLOWING ARE THE DIFFERENT OWNERSHIP CLASSIFICATIONS THAT COULD BE LISTED ON YOUR STATEMENT:

'TITLE' ONLY - THE ACCOUNT HOLDER HAS TITLE, BUT NOT BENEFICIAL, OWNERSHIP TO THE LAND. A TITLE ONLY ACCOUNT HOLDER DOES NOT RECEIVE TRUST INCOME DERIVED FROM ENCUMBRANCE ACTIVITY.

'BENEFICIAL' ONLY - THE ACCOUNT HOLDER HAS BENEFICIAL, BUT NOT TITLE, OWNERSHIP TO THE LAND. A BENEFICIAL ONLY ACCOUNT HOLDER RECEIVES TRUST INCOME DERIVED FROM ENCUMBRANCE ACTIVITY. BENEFICIAL OWNERSHIP REVERTS TO THE TITLE OWNER/REMAINDERMAN UPON THE BENEFICIAL OWNER'S DEATH.

'TITLE & BENEFICIAL' - THE ACCOUNT HOLDER HAS BOTH TITLE AND BENEFICIAL OWNERSHIP TO THE LAND. A TITLE AND BENEFICIAL ACCOUNT HOLDER RECEIVES TRUST INCOME FROM ENCUMBRANCE ACTIVITY.

ENCUMBRANCE/ ENCUMBERED: ANY LEASE, RIGHT OF WAY, PERMIT OR ANY OTHER LEGAL INSTRUMENT WHICH AUTHORIZES USE OF THE PROPERTY

DOCUMENT ID: BIA ASSIGNED NUMBER TO IDENTIFY THE ENCUMBRANCE DOCUMENT

EFFECTIVE DATE: DATE THE ENCUMBRANCE STARTS

EXPIRATION DATE: DATE THE ENCUMBRANCE ENDS IF THERE IS AN END DATE OR
HBP = HELD BY PRODUCTION (OIL AND GAS) OR
IP = IN PERPETUITY (THE ENCUMBRANCE DOES NOT HAVE AN EXPIRATION DATE)

NOTE: THIS ASSET STATEMENT REFLECTS THOSE REAL PROPERTY ASSETS RECORDED AT THE BUREAU OF INDIAN AFFAIRS' OFFICIAL LAND TITLE AND RECORDS OFFICE.



#5B

WITNESS:

Subscribed before me this 19 day of November 2018.

Darren K. Gipson

Darren Gipson, CCM1

(NOTARY)

