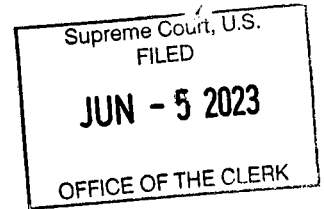


23-5580

No. (Re:App. 22A852)

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Richard Barroso — PETITIONER
(Your Name)

VS.

Texas Department of Criminal Justice (TDCJ);
TDCJ Exec. Dir. Bryan Collier, and — RESPONDENT(S)
Actors under his direction

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

AND
UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY EXCEPTION TO 28 USCS § 1915 (g)
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):
USDC SD Houston, USDC ND Amarillo, USDC ED Tyler, 5th Circuit COA, and Brazoria &

Hartley Counties, Tx. . currently sought in Brazoria County, Tx. & denied W/O ORDER.

☐ 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.

Richard Barroso
(Signature)

August 24, 2023

August 24, 2023

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

I, Richard Barros # 1452245, 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>0</u>	\$ <u>0</u>	\$ <u>0</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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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
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? \$
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
	\$	\$
	\$	\$
	\$	\$

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
Value 0

☐ Motor Vehicle #2
Year, make & model
Value 0

☐ Other assets

Description only items allowed in prison the last 18 years
Value about \$10,000 of light fan radio not pot

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>0</u>	\$ <u>0</u>
_____	\$ <u>0</u>	\$ <u>0</u>
_____	\$ <u>0</u>	\$ <u>0</u>

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

currently
prison cost pay
167.75

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)	<u>N/A</u>	<u>N/A</u>
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <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>0</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): _____	<i>Currently owe prison indigent supplies about \$500</i> \$ _____	\$ _____
Total monthly expenses:	\$ <u>0</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.

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 (but due to my physical/mental disabilities relevant to right to petition I seek court appointment)
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.

TDCJ v. State of Texas is one of about four states that prohibit its inmates to earn income while confined and while charging and putting them in debt as noted herein. As long as this circumstance remains I will be unable to earn income to pay and am ward of the state of Texas

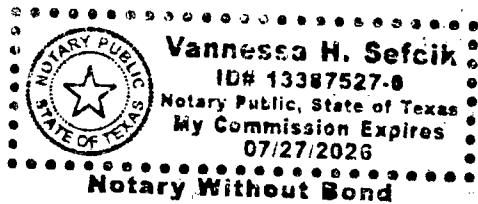
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 24, , 2023

Richard Barros
(Signature)

CSINIB02/CINIB02 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 08/30/23
Z391/AL00101 IN-FORMA-PAUPERIS DATA 07:31:06
TDCJ#: 01452245 SID#: 03646210 LOCATION: RAMSEY INDIGENT DTE: 11/12/13
NAME: BARROSO,RICHARD FITZGERALD BEGINNING PERIOD: 02/01/23
PREVIOUS TDCJ NUMBERS:
CURRENT BAL: 0.00 TOT HOLD AMT: 0.00 3MTH TOT DEP: 9.30
6MTH DEP: 10.79 6MTH AVG BAL: 0.00 6MTH AVG DEP: 1.80
MONTH HIGHEST BALANCE TOTAL DEPOSITS MONTH HIGHEST BALANCE TOTAL DEPOSITS
07/23 0.00 0.00 04/23 0.00 0.00
06/23 7.74 9.30 03/23 0.86 0.86
05/23 0.00 0.00 02/23 0.63 0.63

STATE OF TEXAS COUNTY OF
ON THIS THE 30 DAY OF August 2023, I CERTIFY THAT THIS DOCUMENT IS A TRUE,
COMPLETE, AND UNALTERED COPY MADE BY ME OF INFORMATION CONTAINED IN THE
COMPUTER DATABASE REGARDING THE OFFENDER'S ACCOUNT. NP SIG:
PF1-HELP PF3-END ENTER NEXT TDCJ NUMBER: _____ OR SID NUMBER: _____



Vanessa H. Sefcik

IN THE
SUPREME COURT OF THE UNITED STATES

V.

TEXAS DEPARTMENT OF CRIMINAL Justice (TDCJ);
TDCJ, Executive Director, Bryan Collier;
and Actors Under His Authority -RESPONDENTS

County of Brazoria

PETITIONER'S AFFIDAVIT OF BEING IN IMMINENT DANGER OF SERIOUS PHYSICAL INJURY
AND
SUFFERING CURRENTLY ONGOING SERIOUS PHYSICAL INJURIES
AS WELL AS
INJURIES TO PETITIONER'S RIGHTS AND HIS CAUSES OF ACTIONS

I, Richard Barroso, Petitioner in the above instant case am over the age of eighteen, and of a sound mind sufficient to make this affidavit of facts relevant to being in imminent danger of and currently enduring serious physical & mental injuries, and I have personal knowledge of the facts stated herein, and I declare this under penalty of perjury that the facts stated herein are true and correct.

Executed this the 24th day of August, 2023

3 Richard Barroso
Richard Barroso pro se

TO THE HONORABLE JUSTICE(S) OF THIS SUPREME COURT:

1. Petitioner is a qualified individual with physical & mental disabilities per the RA/ADA, which significantly impairs several of his major daily life activities;
2. The fact that Affiant is a qualified individual with disabilities is undisputed remains of record in every of petitioner's previous lawsuits;
3. TDCJ AND TDCJ Officials' acts/omissions deny petitioner's ONGOING requests for equal protections rights relevant to him exercising right to petition for redress

of his grievances to the government, AND denies to affiant his right of due process of requests for equal protections relevant to exercising right to petition;

4. Respondents' acts/omissions in #3 above cause affiant to endure attempting to exercise protected rights without accommodations/considerations, even those previously afforded to affiant via January 25, 2018 TRO teleconference agreement where Office of the Attorney General of the State of Texas was party to, his only means to seek court protections from Respondents denials, conspiracies to deprive civil and disability rights, conspiracies to deprive equal protections rights, and conspiracies to obstruct justice sought by affiant, which are in fact violations of affiant's right to be free from cruel & unusual punishments. Affiant's writing arm/hand is severely physically traumatized and disfigured with internal scarring resulting in impairments of sensory and mobility uses amounting to between 80-85%. Being denied those previously afforded accommodations/considerations forces affiant to push beyond the capacities of his arm/hand resulting in cramping and pain, exponential osteoarthritis, and serious physical injuries relevant to these daily. These acts/omissions are not just unconscionable, they are maliciously deliberately indifferently with intent to cause harm/injury;

5. The affiant's claims sufficient to warrant protections began from his efforts against state actors' acts between 2009 and 2015 at the Dalhart Unit in Hartley County, Texas as an effort by affiant to have USDC ND Amarillo to simply protect his Reporter's Records, Appellate Records, and other legal materials germane to affiant challenging the convictions against him as unconstitutional, especially his six (6) YEARS OF SUFFERING TO CUMULATE LEGAL RESEARCH ON HIS GROUNDS FOR RELIEF ON 11.07 habeas corpus, six years due to denied disability rights requested via equal protection requests, though the court chose to act upon the PLRA rather than affiant's Constitutional protections, there was once an opportunity to prevent the malicious destruction of those legal materials, and though the research must be all done again, Reporter's Records, Appellate Records, and Court documents remain subject of affiant's efforts in USDC ND Amarillo CA No. 2:14-cv-0256; @:22-cv-0235; and 2:22-cv-0236.

6. Respondents continue to conspire to deprive affiant of his rights, his equal protections, and conspires to obstruct justice, just as in USDC ED Tyler 6:17-cv-0405 when Respondents confiscated all his legal materials germane to amending USDC SD Houston CA No.:4:15-cv-03139, even despite informed legal materials, said was not legal materials when Court Ordered Attorney General to answer to affiant's contentions and allegations of the matter, falsified government document to obstruct justice in the matter, even produced falsified affidavit to the Court, which via Attorney General's own Response proved it was falsified, yet that Court never ruled on affiant's objection to the response, ALL IN SHORT CONTINUES TO CAUSE INJURY, SERIOUS PHYSICAL INJURIES TO AFFIANT; AND THIS IS THE DISABILITY VIOLATIONS CASE REMOVED FROM BRAZORIA COUNTY, TX.:

7. State of Texas, Brazoria County, Texas CA NO. (03-1-1) is yet another case of the respondents destruction of affiant's legal materials and injured by acts relevant to USDC ED Tyler 6:17-cv-0405 AND in each of the courts records there exists support of conspiracies to deprive and obstruct relevant to affiant's rights and are relevant to ongoing serious physical injuries being endured merely attempting to preserve his past, present, and intended claims, all relevant to exercising habeas corpus in the challenging of those convictions against affiant as unconstitutional;

8. Affiant has already submitted ALL REQUESTED DOCUMENTS NOTED IN SUPREME COURT OF THE UNITED STATES, OFFICE OF THE CLERK, AUGUST 16, 2023, and returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by petitioner, or by counsel, is attached. Rules 33.2 and 39. The motion must be signed. My carbon copy of previously submitted compliance shows signature and the Affidavit or Declaration dated March 01, 2023 also signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. I used enclosed form for resubmission.

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Supreme Court of Texas.

Affiant actually submitted lower court opinion(s), along with an affidavit of authenticity as affiant reproduced them, and these were submitted with March 21, 2023 submission seeking extended time to file, which was granted; however, affiant will resubmit these in Appendix B, along with copy of previous affidavit of authenticity.

9. Affiant remains under duress of respondents harassments/retaliations/discriminations/ obstructions of justice as he is being denied indigent legal supply paper, which he requests weekly of 100 sheets to litigate to preserve his claims in the various state and federal court systems and issued only 20-25 sheets per week unless he present to Access to Courts personnel a "COURT ORDERED DEADLINE", which violates Constitutional right of access to courts, petition rights, and lends to suffering serious physical injuries resulting from missing "COURT DEADLINES", which are of Rules of Procedures, Statutory laws, but not "COURT ORDERED DEADLINES" creating undue hardships and this while denying equal protections as a qualified individual with disabilities.

UNSWORN DECLARATION

I, Richard Barroso, Affiant in the instant case am currently confined at the Ramsey Unit, Brazoria County, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed this the 24th day of August, 2023-

Richard Barroso
Richard Barroso pro se