
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2026

SCOT GAITHER, *Petitioner*

v.

TIM LANE, WARDEN,
GREEN RIVER CORRECTIONAL COMPLEX, *Respondent*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner, Scot Gaither, an incarcerated person, by and through undersigned counsel, asks leave to file the attached Petition for a Writ of Certiorari to the United States Supreme Court without prepayment of costs and to proceed in forma pauperis pursuant to Rule 39. As basis for this motion, Petitioner states the following:

1. The instant habeas proceedings were filed simultaneously with state post-conviction proceedings, and held in abeyance while the state post-conviction proceedings were completed. The undersigned public defender counsel was appointed to the state post-conviction proceedings after the Petitioner was declared indigent and a poor person pursuant to KRS 453.190 and KRS 31.110. See Exhibit A, order

appointing counsel.

2. Undersigned counsel continued to represent Petitioner in the underlying habeas proceedings after they were taken out of abeyance, based on the state court order of appointment. Petitioner was permitted to proceed in forma pauperis in the underlying appeal in this case by the District Court. See Exhibit B, order granting leave to proceed in forma pauperis.

3. Based on the foregoing, the undersigned believes that he qualifies for in forma pauperis status under Rule 39 due to the fact that he is represented by appointed counsel. Alternatively, Petitioner requests leave to proceed in forma pauperis based on the attached affidavit of indigency, which demonstrates that he is unable to afford counsel. See Exhibit C, affidavit of indigency.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that he be permitted to proceed in this action *in forma pauperis*.

Respectfully Submitted,



Timothy G. Arnold
Department of Public Advocacy
Appeals Branch
5 Mill Creek Park
Frankfort, KY 40601
(502) 564-8006
(502) 687-6769 (fax)
Tim.arnold@ky.gov

July 10, 2026

COMMONWEALTH OF KENTUCKY
DAVISS CIRCUIT COURT
DIVISION II
CASE NO. 02-CR-00446

SCOT E. GAITHER

MOVANT

VS.

ORDER TO PROCEED IN FORMA PAUPERIS

COMMONWEALTH OF KENTUCKY

RESPONDENT

The Movant, having moved the Court for an order to prosecute the appeal of the denial of his Motion for relief *in forma pauperis*, and it appearing to the Court that the Movant is a pauper within the meaning of KRS 453.190 and KRS 31.110 (2)(b), and the Court being sufficiently advised:

IT IS HEREBY ORDERED AND ADJUDGED that the Movant is hereby granted leave to prosecute his appeal without payment of costs and that the Department of Public Advocacy is appointed to represent the Movant on appeal.

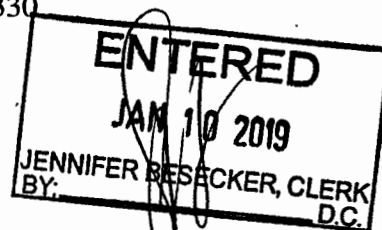
Under my hand this 10 day of January 2019.



JUDGE, DAVIESS CIRCUIT COURT

DISTRIBUTION:

- Hon. Andy Beshear, Attorney General, 1024 Capital Center Dr., Frankfort, Kentucky 40601;
- Hon. Hon. Bruce Kuegel, 117 East Third Street, Second Floor, P.O. Box 767, Owensboro, Kentucky 42303
- Hon. Kieran Comer, Assistant Public Advocate, Department of Public Advocacy, 5 Mill Creek Park, Section 101, Frankfort, Kentucky 40601;
- Mr. Mr. Scot Eugene Gaither DOC#175293, Green River Correctional Complex, P.O. Box 9300, 1200 River Road, Central City, Kentucky 42330



IFP Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

SCOT GAITHER

PETITIONER

v.

CIVIL ACTION NO. 4:18-CV-151-JHM

KEVIN MAZZA, WARDEN

RESPONDENT

ORDER

This is a 28 U.S.C. § 2254 habeas corpus action. This matter is before the Court a motion filed by Petitioner Scot Gaither to proceed *in forma pauperis* on appeal (DN 48).

Upon consideration, the Court having a granted a certificate of appealability as to one of Petitioner's claims and finding that Petitioner has made the financial showing required by Fed. R. App. P. 24(a)(1)(A), **IT IS ORDERED** that motion to proceed *in forma pauperis* on appeal is **GRANTED**.

Date: October 17, 2024



Joseph H. McKinley Jr., Senior Judge

United States District Court

cc: Counsel of Record
Clerk, Sixth Circuit
4414.011

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

I, Scot Gaither, 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>60.00</u>	\$ <u>N/A</u>	\$ <u>60.00</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>525.00</u>	\$ <u>N/A</u>	\$ <u>525.00</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>585.00</u>	\$ <u>N/A</u>	\$ <u>585.00</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
G.R.C.C. Grievance Office		June 2018 - Present	\$ Apprx. 60 ⁰⁰
			\$
			\$

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	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ 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	\$ 0	\$ N/A
N/A	\$ 0	\$ N/A
N/A	\$ 0	\$ 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
<u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</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>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<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>0</u>	\$ <u>N/A</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>50.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>450.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>75.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

	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>575.00</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 incarcerated, only receiving \$60.00 per month for my institutional Grievance Aide job. Majority of money received as gifts used to purchase food for survival as Aramark is the food contract provider here and the half portions are not adequate.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 2nd, 2026

Scot Gaither

(Signature)

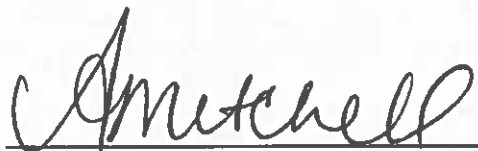
**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF CORRECTIONS**

Green River Correctional Complex
(Institution)

**CERTIFICATION OF FUNDS DEPOSITED IN
PRISONER'S INSTITUTIONAL ACCOUNT**

Inmate Name: Scot Gaither
Institutional I.D. Number: 175293

I, Gabrielle Walker, of the Green River Correctional Complex Inmate Accounts Office, do hereby certify that the sum of \$3550.32 has been deposited to this inmate's account during the preceding 6 months.



Signature of Authorized Officer

3/30/26

Date

KY DOC
REPORT NO. IBSR180 - 35

6 MONTH AVERAGE INCOME STATEMENT

FROM: 09/2025 TO: 02/2026

PAGE: 1 of 1
PROCESSED: 03/30/2026 15:02
REQUESTOR: Amanda Mitchell

DOC #: 175293

INMATE NAME: Gaither, Scot Eugene

SSN: 401-04-5990

	Deposit Detail	Total Deposit
FOR MONTH: September, 2025		
Deposit Money into Inmate Acct.	\$300.00	
State Pay Earned	\$63.42	
		\$363.42
FOR MONTH: October, 2025		
Deposit Type: Christmas/Summer/Other Bonus Money	\$10.00	
State Pay Earned	\$60.40	
Deposit Money into Inmate Acct.	\$300.00	
		\$370.40
FOR MONTH: November, 2025		
Deposit Money into Inmate Acct.	\$300.00	
State Pay Earned	\$69.46	
		\$369.46
FOR MONTH: December, 2025		
Deposit Type: Christmas/Summer/Other Bonus Money	\$10.00	
Deposit Money into Inmate Acct.	\$300.00	
Deposit Money into Inmate Acct.	\$300.00	
State Pay Earned	\$39.26	
Deposit Money into Inmate Acct.	\$200.00	
Deposit Money into Inmate Acct.	\$300.00	
		\$1,149.26
FOR MONTH: January, 2026		
Deposit Type: State Pay Earned	\$63.42	
Deposit Money into Inmate Acct.	\$300.00	
		\$363.42
FOR MONTH: February, 2026		
Deposit Money into Inmate Acct.	\$300.00	
State Pay Earned	\$54.36	
Deposit Money into Inmate Acct.	\$300.00	
Deposit Money into Inmate Acct.	\$300.00	
		\$954.36
TOTAL AMOUNT :		\$3,570.32
6 MONTH AVERAGE:		\$595.05