

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. '08 - CV 02064
(To be supplied by the court)

Terry L. Nichols, Plaintiff,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 11 2008

GREGORY C. LANGHAM
CLERK

v.
United States of America
~~Bureau of Prisons~~

Harvey Lappin

John/Jane Doe, Defendant(s), *cont'd.*
see attached

PRISONER'S MOTION AND AFFIDAVIT
FOR LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

I request leave to commence this civil action without prepayment of fees or security therefor pursuant to 28 U.S.C. § 1915. In support of my request, I declare that:

1. I am unable to pay such fees or give security therefor.
2. I am entitled to redress.
3. The nature of this action is:

Bivens, civil action, violation of First, Fifth, and
Eight Amendments, and conspiracy

DEFENDANTS

4. Michael Nalley
5. Ms. Perry
6. Ron Wiley
7. Rod Bauer
8. Dr. Leyba
9. Dr. Stephen Nafziger
10. Darron Gall
11. Mr. Jones
12. Keith Powley

4. My assets and their value are listed below: (attach an additional page if necessary)

(Assets may include income from employment, rent payments, interest or dividends, pensions, annuities, life insurance payments, Social Security, Veteran's Administration benefits, disability pensions, Worker's Compensation, unemployment benefits, gifts or inheritances, cash, funds in bank accounts, real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing), or any other source of income.)

A monthly gift of \$100.00 - See attached Trust

Fund Account Statement

5. Are you in imminent danger of serious physical injury?

Yes No (CHECK ONE). If you answered yes, briefly explain your answer:

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that the information in this motion and affidavit is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on 05 Sept 2008
(Date)

Terry L. Nichol
(Prisoner's Original Signature)

Required Certification

You must attach to this motion and affidavit a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this action. You must obtain the certified copy of your trust fund account statement (or institutional equivalent) from the appropriate official of each penal institution at which you are or were confined during the six-month period.

Date: 08/21/2008
Time: 1:12:00 pm

Federal Bureau of Prisons
TRUFACS

Facility: FLX

Inmate Statement
Sensitive But Unclassified

NICKINS

Start Date: 02/21/2008
End Date: 08/21/2008
Inmate Reg #: 08157031
Account Status: All
Institution: All

Date: 08/21/2008
Time: 1:12:01 pm

Federal Bureau of Prisons
TRUFACS

Facility: FLX

CERTIFIED

Inmate Statement
Sensitive But Unclassified

AUG 21 2008

General Information

Inmate Reg#: 08157031
Inmate Name: NICHOLS, TERRY LYNN
Current Site Name: Florence Complex
Housing Unit: FLM-D-A
Living Quarters: D06-211L
Arrived From: FLX
Transferred To:
Account Creation Date: 10/3/2002

FCC FLORENCE
FINANCIAL MANAGEMENT

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
FLX	02/21/2008 10:47:23 AM	40			Sales	(\$5.55)		\$89.30
FLX	02/25/2008 09:36:47 AM		6859		Donation	(\$25.00)		\$64.30
FLX	02/28/2008 08:42:22 AM	HJV00048			Photo Copies	(\$2.20)		\$62.10
FLX	02/28/2008 09:32:31 AM	56			Sales	(\$32.60)		\$29.50
FLX	03/06/2008 02:48:48 PM	HJV00052			Photo Copies	(\$0.90)		\$28.60
FLX	03/06/2008 02:51:33 PM	HJV00052			Photo Copies	(\$1.20)		\$27.40
FLX	03/06/2008 02:53:06 PM	HJV00052			Photo Copies	(\$3.60)		\$23.80
FLX	03/10/2008 09:36:27 AM	020053-8			FRP Quarterly Pymt	\$0.00		\$23.80
FLX	03/13/2008 11:08:55 AM	107			Sales	(\$10.85)		\$12.95
FLX	03/14/2008 02:59:24 PM	HJV00052			Photo Copies	(\$2.20)		\$10.75
FLX	03/14/2008 03:00:01 PM	HJV00052			Photo Copies	(\$1.40)		\$9.35
FLX	03/17/2008 05:01:02 AM	70104003			Lockbox - CD	\$100.00		\$109.35
FLX	03/26/2008 01:37:48 PM	HJV00052			Photo Copies	(\$0.90)		\$108.45
FLX	03/26/2008 01:38:25 PM	HJV00052			Photo Copies	(\$1.30)		\$107.15
FLX	03/26/2008 01:42:02 PM	HJV00052			Photo Copies	(\$0.80)		\$106.35
FLX	03/28/2008 09:51:37 AM	9			Sales	(\$12.85)		\$93.50
FLX	03/31/2008 05:01:35 AM	70105003			Lockbox - CD	\$20.00		\$113.50
FLX	04/03/2008 10:00:59 AM	45			Sales	(\$12.20)		\$101.30
FLX	04/10/2008 09:26:34 AM	49			Sales	(\$5.60)		\$95.70
FLX	04/10/2008 09:26:59 AM	50			Sales	(\$12.20)		\$83.50
FLX	04/10/2008 10:48:14 AM		7469		Donation	(\$15.00)		\$68.50
FLX	04/13/2008 05:14:23 PM	TFN0413			Phone Withdrawal	(\$10.00)		\$58.50
FLX	04/16/2008 03:10:44 PM		7582		Books	(\$15.00)		\$43.50
FLX	04/17/2008 10:21:23 AM	54			Sales	(\$16.20)		\$27.30
FLX	04/21/2008 05:01:40 AM	70106503			Lockbox - CD	\$100.00		\$127.30
FLX	04/22/2008 05:19:41 PM	TFN0422			Phone Withdrawal	(\$10.00)		\$117.30
FLX	04/24/2008 10:33:21 AM	36			Sales	(\$4.80)		\$112.50
FLX	04/24/2008 10:53:31 AM	HJV00056			Photo Copies	(\$2.80)		\$109.70
FLX	05/01/2008 11:01:52 AM	58			Sales	(\$8.00)		\$101.70
FLX	05/08/2008 09:17:23 AM	40			Sales	(\$11.30)		\$90.40

Date: 08/21/2008
Time: 1:12:01 pm

Federal Bureau of Prisons
TRUFACS

Facility: FLX

Inmate Statement
Sensitive But Unclassified

General Information

Inmate Reg#: 08157031
Inmate Name: NICHOLS, TERRY LYNN
Current Site Name: Florence Complex
Housing Unit: FLM-D-A
Living Quarters: D06-211L
Arrived From: FLX
Transferred To:
Account Creation Date: 10/3/2002

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
FLX	05/09/2008 11:00:23 AM		7760		Donation	(\$20.00)		\$70.40
FLX	05/15/2008 09:43:34 AM	61			Sales	(\$3.95)		\$66.45
FLX	05/19/2008 12:37:47 PM	70108503			Lockbox - CD	\$100.00		\$166.45
FLX	05/22/2008 09:38:34 AM	56			Sales	(\$30.00)		\$136.45
FLX	05/23/2008 10:15:09 AM	HJV00063			Photo Copies	(\$0.60)		\$135.85
FLX	05/23/2008 10:19:22 AM	HJV00063			Photo Copies	(\$1.70)		\$134.15
FLX	05/23/2008 11:10:43 AM	HJV00063			Photo Copies	(\$0.90)		\$133.25
FLX	05/25/2008 05:30:30 PM	TFN0525			Phone Withdrawal	(\$10.00)		\$123.25
FLX	05/29/2008 09:34:48 AM	47			Sales	(\$1.90)		\$121.35
FLX	06/03/2008 12:56:33 PM	HJV00070			Photo Copies	(\$0.50)		\$120.85
FLX	06/03/2008 12:56:46 PM	HJV00070			Photo Copies	(\$3.00)		\$117.85
FLX	06/06/2008 10:42:59 AM	3			Sales	(\$8.75)		\$109.10
FLX	06/09/2008 08:18:35 AM	4			Sales	(\$0.95)		\$108.15
FLX	06/13/2008 09:05:43 AM	HICP0608			Inmate Co-pay	(\$2.00)		\$106.15
FLX	06/13/2008 10:31:02 AM	G4063403			Complex Canx Check	\$10.17		\$116.32
FLX	06/16/2008 10:45:36 AM	HICP0608			Inmate Co-pay	(\$2.00)		\$114.32
FLX	06/20/2008 07:41:05 AM		8340		Donation	(\$20.00)		\$94.32
FLX	06/25/2008 05:03:34 AM	70111101			Lockbox - CD	\$100.00		\$194.32
FLX	06/26/2008 09:13:00 AM	HJV00070			Photo Copies	(\$1.00)		\$193.32
FLX	06/26/2008 09:20:07 AM	HJV00070			Photo Copies	(\$2.20)		\$191.12
FLX	06/27/2008 07:46:14 AM	17			Sales	(\$25.55)		\$165.57
FLX	07/03/2008 10:00:58 AM	55			Sales	(\$1.90)		\$163.67
FLX	07/11/2008 09:54:40 AM	15			Sales	(\$9.40)		\$154.27
FLX	07/11/2008 09:55:37 AM	16			Sales	(\$12.50)		\$141.77
FLX	07/13/2008 12:52:32 PM	TFN0713			Phone Withdrawal	(\$10.00)		\$131.77
FLX	07/15/2008 08:27:25 AM		8619		Books	(\$20.00)		\$111.77
FLX	07/17/2008 10:01:32 AM	44			Sales	(\$0.95)		\$110.82
FLX	07/17/2008 02:09:58 PM	HJV00082			Photo Copies	(\$0.80)		\$110.02
FLX	07/24/2008 09:58:18 AM	44			Sales	(\$14.20)		\$95.82
FLX	07/27/2008 05:03:05 AM	70113302			Lockbox - CD	\$100.00		\$195.82

Date: 08/21/2008
Time: 1:12:01 pm

Federal Bureau of Prisons
TRUFACS

Facility: FLX

Inmate Statement
Sensitive But Unclassified

General Information

Inmate Reg#: 08157031
Inmate Name: NICHOLS, TERRY LYNN
Current Site Name: Florence Complex
Housing Unit: FLM-D-A
Living Quarters: D06-211L
Arrived From: FLX
Transferred To:
Account Creation Date: 10/3/2002

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
FLX	07/31/2008 09:20:54 AM	40			Sales	(\$9.84)		\$185.98
FLX	07/31/2008 09:21:39 AM	41			Sales	(\$2.25)		\$183.73
FLX	08/03/2008 12:06:00 PM	TFN0803			Phone Withdrawal	(\$10.00)		\$173.73
FLX	08/05/2008 10:42:10 AM		8872		Donation	(\$20.00)		\$133.73
FLX	08/05/2008 10:42:10 AM		8871		Donation	(\$20.00)		\$153.73
FLX	08/07/2008 08:55:19 AM	28			Sales	(\$13.50)		\$120.23
FLX	08/07/2008 09:07:49 AM	36			Sales	\$0.00		\$120.23
FLX	08/14/2008 10:11:28 AM	46			Sales	(\$5.75)		\$114.48
FLX	08/21/2008 09:11:07 AM	62			Sales	(\$0.40)		\$114.08
	Total Transactions:	69			Totals:	\$19.23	\$0.00	

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
FLX	\$114.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$114.08
Totals:	\$114.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$114.08

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max. Balance - Prev. 30 Days	Average Balance - Prev. 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$520.00	\$510.94	\$105.20	\$195.82	\$137.58	N/A	N/A