

No.
In The
Supreme Court of the United States

CORVAIN T. COOPER,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

On Petition For A Writ Of Certiorari To The United
States Court Of Appeals for the Fourth Circuit

**MOTION FOR PERMISSION
TO APPEAL IN FORMA PAUPERIS**

Patrick Michael Megaro, Esq.*
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**Counsel of Record*

May 14, 2018

**MOTION TO PROCEED IN FORMA PAUPERIS
PURSUANT TO RULE 39**

Petitioner, Corvain T. Cooper, respectfully requests that this Court permit him to appeal in forma pauperis pursuant to Rule 39 of the Rules of the Supreme Court.

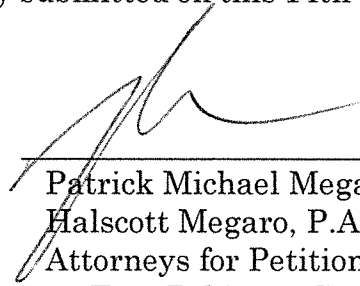
Petitioner was found originally found indigent by the United States District Court for the Western District of North Carolina. He was represented by assigned counsel throughout trial proceedings in that court. After the verdict, but prior to sentencing, Mr. Cooper's mother retained undersigned counsel's former firm to represent him at sentencing and on direct appeal. I was assigned the case at the former firm, and represented Mr. Cooper at sentencing. After his mother began to experience financial difficulties and became unable to continue to pay the firm's fee, I left the firm and agreed to represent Mr. Cooper *pro bono* on direct appeal to the Fourth Circuit. After his unsuccessful direct appeal, I again represented Mr. Cooper *pro bono* in this Court in his last petition for certiorari on direct appeal. I represented him *pro bono* upon his application for executive clemency to President Barack Obama, and represented him *pro bono* in his § 2255 petition, and his application for a Certificate of Appealability in the Fourth Circuit. I have agreed to represent him again in this Court at this stage, and in another application for executive Clemency to President Donald Trump

Because undersigned counsel believes in the issues raised in this case, and because undersigned counsel has made a promise not to abandon Petitioner, undersigned counsel has agreed to continue to represent Petitioner pro bono.

An affidavit of indigency is attached hereto. Petitioner does not own any assets, has no income, no savings, and no other access to funds.

For these reasons, Petitioner respectfully requests permission to appeal *in forma pauperis*.

Respectfully submitted on this 14th day of May, 2018.



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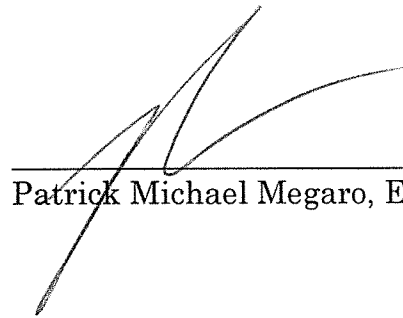
**Counsel of Record*

CERTIFICATE OF SERVICE

Pursuant to Rule 29.5 of the Supreme Court of the United States, the following parties have been served via USPS mail on May 14, 2018

Solicitor General of the United States
Room 5616
Department of Justice,
950 Pennsylvania Avenue, N. W.
Washington, DC 20530-0001

AUSA Elizabeth M. Greenough, Esq.
Office of the United States Attorney
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202
Elizabeth.Greenough@usdoj.gov



Patrick Michael Megaro, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

-----X Docket # 3:11-CR-00337
UNITED STATES OF AMERICA,

-against-

CORVAIN T. COOPER,

Defendant.

-----X Before: Hon. Robert J. Conrad, Jr.

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion	Instructions
<p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p>
<p>Signed: <u>Co-TC</u></p>	<p>Date: <u>4/17/18</u></p>

My issues on appeal are:

1. Whether Petitioner is entitled to resentencing because both of the predicate state convictions and sentences that resulted in his Federal life sentence were vacated subsequent to the conclusion of his direct appeal

2. Whether Petitioner received ineffective assistance of counsel

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	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$ N/A	\$	\$	\$

2. *List your 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
			\$
			\$

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
			\$
			\$

4. How much cash do you and your spouse have? \$ N/A

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
N/A		\$	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
N/A		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:	N/A	
Model:		
Registration #:		

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
N/A	\$	\$
	\$	\$
	\$	\$
	\$	\$

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

Name [or, if under 18, initials only]	Relationship	Age
SCOTLYN COOPER	DAUGHTER	8
CLEER COOPER	DAUGHTER	12

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$	\$
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)	\$	\$

Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
Total monthly expenses:	\$ N/A	\$

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? [] Yes [X] No

If yes, how much? \$ _____

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I have been incarcerated for several years and own no assets and have no income. My family cannot pay any additional legal fees as she cannot afford them. Patrick Michael Megaro has agreed to represent me pro bono in this case.

12. State the city and state of your legal residence.

217 E. 64TH PLCE
INGLEWOOD, CA 90302
Your daytime phone number: () N/A

Your age: 38 Your years of schooling: 14

Last four digits of your social-security number: 4283