

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

KELVIN MELTON

____ — PETITIONER

VS.

UNITED STATES OF AMERICA

____ — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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):

United States Court of Appeals for the Fourth Circuit

United States District Court for the Eastern District of North Carolina

☐ 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.

Gisa M. Lorde
(Signature)

FILED: April 11, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4778
(5:14-cr-00072-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

KELVIN MELTON, a/k/a Dizzy, a/k/a Old Man

Defendant - Appellant

O R D E R

This case was decided by unpublished per curiam opinion on February 21, 2019, and appellant's counsel was granted leave to withdraw from further representation. Appellant has filed a pro se motion to appoint counsel and a pro se petition for rehearing and rehearing en banc.

The court appoints the Federal Public Defender for the Western District of Virginia to inform appellant of his various appellate rights and to make an

independent determination of whether counsel believes there are grounds to file a petition for panel or en banc rehearing or petition for certiorari to the United States Supreme Court.

Appointed counsel shall notify the court on or before April 25, 2019, whether counsel intends to file a petition for rehearing or rehearing en banc. The court defers ruling on appellant's pro se petition for rehearing and rehearing en banc pending receipt of counsel's notification.

The clerk shall send appointed counsel a copy of this court's certiorari status form, which sets out counsel's representational obligations with regard to a petition for writ of certiorari.

For the Court

/s/ Patricia S. Connor, Clerk