

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

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TIMOTHY ALLEN McWILLIAMS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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**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*. Petitioner has been incarcerated since February 26, 2019. Counsel has been court-appointed to represent Petitioner throughout his federal proceedings. Petitioner has previously been found indigent by the Southern District of Iowa and the Eighth Circuit Court of Appeals. Leave to proceed *in forma pauperis* has not previously been sought. Petitioner's 2019 Financial Affidavit and prior Orders finding him indigent are attached in support of this motion. Petitioner will supplement a more recent Financial Affidavit if necessary.

**PARRISH KRUIDENIER DUNN BOLES  
GRIBBLE GENTRY BROWN & BERGMANN, L.L.P.**

By: \_\_\_\_\_

**Gina Messamer** AT0011823  
*Counsel of Record*  
2910 Grand Avenue  
Des Moines, Iowa 50312  
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CJA 23  
(Rev. 11/11)

## FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES  DISTRICT COURT  COURT OF APPEALS  OTHER (Specify below)  
IN THE CASE OF

USA v. McWilliams

FOR  
Southern District of Iowa  
AT  
Des MoinesLOCATION NUMBER  
\_\_\_\_\_

PERSON REPRESENTED (Show your full name)

Timothy Allen McWilliams

CHARGE/OFFENSE (describe if applicable &amp; check box →)

21:841(a)(1), 841(b)(1)(C) Possession with Intent to  
Distribute Methamphetamine Felony  
 Misdemeanor

1  Defendant - Adult  
2  Defendant - Juvenile  
3  Appellant  
4  Probation Violator  
5  Supervised Release Violator  
6  Habeas Petitioner  
7  2255 Petitioner  
8  Material Witness  
9  Other (Specify) \_\_\_\_\_

DOCKET NUMBERS  
Magistrate Judge  
4:19-mj-00129  
District Court  
Court of Appeals

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: <u>Central States painting</u>			
	IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment? <u>laid off since Dec.</u> How much did you earn per month? \$ <u>~2,000</u>		
	If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, how much does your spouse earn per month? \$ _____	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____		
INCOME & ASSETS	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	OTHER INCOME	RECEIVED	SOURCES	
	IF YES, give the amount received and identify the sources \$ _____	_____		
CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____			
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	IF YES, give value and description for each \$ _____ \$ _____ \$ _____	VALUE	DESCRIPTION	
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single Married Widowed Separated or Divorced	Total No. of Dependents	List persons you actually support and your relationship to them
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT
	<u>phone</u>	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ <u>60</u>	

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

Tim McWilliamsSIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)3/8/19

Date

**United States District Court  
Southern District of Iowa**

United States of America )  
Plaintiff, )  
vs. ) Case No. 4:19-mj-00129-HCA-1  
Timothy Allen McWilliams , )  *[Check if Federal Public Defender is  
appearing only for arraignment or  
initial appearance]*  
Defendant. )

**ORDER APPOINTING COUNSEL**

The Court finds that the Defendant qualifies for appointment of counsel under the Criminal Justice Act, 18 USC §3006A, and the Criminal Justice Act Plan for the Southern District of Iowa. A CJA Form 23 Financial Affidavit shall be filed within five days of this Order.

It is ORDERED that Federal Defender's Office, or substitute counsel designated pursuant to the CJA Plan, is appointed to represent Defendant for all proceedings, including appeal. The Court may require Defendant to make full or partial repayment of attorney and witness fees, should it find that the Defendant has the ability to make such payment.

Date: March 8, 2019

  
*Celeste F. Bremer*  
Judge's signature

Celeste F. Bremer, U.S. Magistrate Judge

*Printed name and title*

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 19-3158

United States of America

Appellee

v.

Timothy Allen McWilliams

Appellant

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Appeal from U.S. District Court for the Southern District of Iowa - Des Moines  
(4:19-cr-00054-RGE-1)

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**ORDER**

Attorney, Gina Messamer is hereby appointed to represent appellant in this appeal under the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

October 04, 2019

Order Entered under Rule 27A(a):  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans