

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TIMOTHY ALLEN McWILLIAMS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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: _____

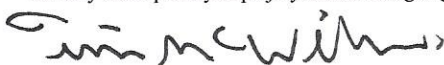
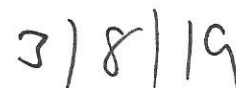
Gina Messamer AT0011823
Counsel of Record
2910 Grand Avenue
Des Moines, Iowa 50312
Telephone: (515) 284-5737
Facsimile: (515) 284-1704
Email: gmessamer@parrishlaw.com

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 <input checked="" type="checkbox"/> DISTRICT COURT <input type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below)		LOCATION NUMBER <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	
IN THE CASE OF <div style="display: flex; justify-content: space-between; margin-top: 10px;"> USA v. McWilliams </div>		FOR Southern District of Iowa AT Des Moines	
PERSON REPRESENTED (Show your full name) Timothy Allen McWilliams		<div style="display: flex;"> <div style="flex: 1;"> 1 <input checked="" type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 5 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify) _____ </div> <div style="flex: 1; border: 1px solid black; padding: 5px;"> DOCKET NUMBERS Magistrate Judge 4:19-mj-00129 District Court Court of Appeals </div> </div>	
CHARGE/OFFENSE (describe if applicable & check box →) <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor 21:841(a)(1), 841(b)(1)(C) Possession with Intent to Distribute Methamphetamine			

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: <u>Central States painting</u> <div style="display: flex; justify-content: space-between;"> <div> IF YES, how much do you earn per month? \$ _____ IF YES, how much does your spouse earn per month? \$ _____ </div> <div> 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> </div> </div>																
	OTHER INCOME	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 <div style="display: flex; justify-content: space-between;"> <div> RECEIVED IF YES, give the amount \$ _____ received and identify the sources \$ _____ </div> <div> SOURCES \$ _____ \$ _____ \$ _____ </div> </div>																
	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? \$ _____																
	PROPERTY	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 <div style="display: flex; justify-content: space-between;"> <div> VALUE IF YES, give value and description for each \$ _____ \$ _____ \$ _____ \$ _____ </div> <div> DESCRIPTION _____ _____ _____ _____ </div> </div>																
	DEPENDENTS	<div style="display: flex;"> <div style="flex: 1;"> MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced </div> <div style="flex: 1;"> Total No. of Dependents _____ </div> <div style="flex: 2;"> List persons you actually support and your relationship to them _____ _____ _____ </div> </div>																
DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">DESCRIPTION</th> <th style="width: 20%;">TOTAL DEBT</th> <th style="width: 20%;">MONTHLY PAYMENT</th> </tr> </thead> <tbody> <tr> <td><u>phone</u></td> <td>\$ _____</td> <td>\$ <u>50</u></td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>			DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	<u>phone</u>	\$ _____	\$ <u>50</u>	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____
DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT																
<u>phone</u>	\$ _____	\$ <u>50</u>																
_____	\$ _____	\$ _____																
_____	\$ _____	\$ _____																
_____	\$ _____	\$ _____																

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


SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)


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)	<input type="checkbox"/> [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



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

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

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.

/s/ Michael E. Gans