

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

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THE SUPREME COURT OF THE UNITED STATES

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CHIA JEAN LEE,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent,

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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counsel of record (CJA appointed)  
for Petitioner, Chia Jean Lee  
admitted before the U.S.  
Supreme Court

## A. Introduction

Chia Jean Lee is Petitioner. The United States of America is the Respondent.

Petitioner was found guilty of Conspiracy To Distribute, Dispense and Possess With Intent To Distribute and Dispense a Controlled Substance, pursuant to 21 United States Code section 846 and 841(b)(1)(C), in the United States District Court for the Eastern District of Texas, Sherman Division, and was sentenced to 188 months in federal custody.

Petitioner asks this Court for leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed in forma pauperis pursuant to Supreme Court Rule 39 and Title 18 of the United States Code section 3006A(d)(7).

## B. Authorities and Argument

Supreme Court Rule 39 permits a Petitioner to seek leave from the Court to proceed in forma pauperis. See Sup. Ct. Rule 39. Additionally, Title 18 of the United States Code section 3006A(d)(7) permits a person for whom counsel is appointed to file a petition for writ of certiorari without prepayment of fees and costs or security and without filing an affidavit. See 18 U.S.C. § 3006(d)(7).

Petitioner has previously been granted leave to proceed in forma

pauperis in the United States District Court for the Eastern District of Texas, Sherman Division and the Fifth Circuit Court of Appeals.

Trial counsel was originally appointed to represent Petitioner in the United States District Court for the Eastern District of Texas, Sherman Division. After Petitioner's conviction and on July 17, 2019, appellate counsel (Troy Hornsby) was appointed by the District Court to represent Petitioner on appeal. A copy of that order is appended hereto as Exhibit A.

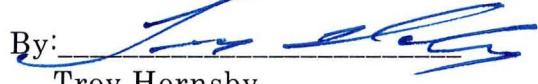
Filed contemporaneously with this motion is petitioner's Petition for Writ of Certiorari which Petitioner seeks to have filed in this court pursuant to Supreme Court Rule 39, a copy of which is attached hereto.

Petitioner is currently incarcerated in the F.M.C. Carswell, serving her criminal sentence and is indigent.

Prayer

For these reasons, Petitioner requests that this court enter an order granting this motion to proceed in forma pauperis.

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By: 

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Counsel of record (CJA appointed)  
for Chia Jean Lee

Exhibit A

Order appointing appellate counsel

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA §  
VS. § CASE NUMBER 4:17-CR-009  
CHIA JEAN LEE (2) §

## **ORDER**

Pending before the Court are Defendant Chia Jean Lee's Motion(s) to Appoint Counsel for Appeal and Permission to Proceed *In Forma Pauperis* [Dkts. 183, 201]. On May 20, 2019, Defendant requested the Court appoint counsel for Defendant to pursue her appeal. Defendant represented that she was indigent, but no financial affidavit or other proof of indigency was provided to the Court [Dkt. 183]. The Court thereafter ordered Defendant to submit proof of her indigency [Dkt. 188]. On June 21, 2019, Defendant provided to the Court a completed financial affidavit but did not include her prisoner trust fund activity. On June 26, 2019, Defendant was ordered to provide an account of her trust fund activities [Dkt. 192]. On July 5, Defendant provided a copy of her trust account summary detailing the activity in the account since her arrival at FMC Carswell, where she is currently housed [Dkt. 201]. Having reviewed the Motions and all other relevant filings, the Court is of the opinion that the Motions to Appoint Counsel and to Proceed *In Forma Pauperis* [Dkts. 183, 201] should be and are hereby **GRANTED**.

**IT IS FURTHER ORDERED** that Troy Hornsby is appointed as attorney of record in the above styled and numbered cause for the limited purpose of appeal.

**IT IS SO ORDERED. SIGNED this 17th day of July, 2019.**

