

No. 20-_____

IN THE
SUPREME COURT OF THE UNITED STATES

Willie Tyler

(Your Name) — PETITIONER

VS.

United States
_____ — 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 District Court for the Middle District of Pennsylvania

United States Court of Appeals for the Third Circuit

☐ 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.



(Signature)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 17-2613

USA v. Willie Tyler

(M.D. Pa. No. 1-96-cr-00106-001)

ORDER

It appearing that **Willie Tyler** having satisfied the Court that he is financially unable to obtain representation by counsel, it is

ORDERED that the Federal Public Defender Organization for the Middle District of Pennsylvania is hereby appointed pursuant to Title 18 U.S.C. Section 3006A(a) to represent **Willie Tyler** in the above-captioned matter. This appointment will remain in effect until termination of this case or substitute counsel is appointed.

For the Court,

Marcia M. Waldron

Marcia M. Waldron, Clerk

Dated: August 2, 2017

ARR/cc: RAK; LJU; KLM; CDM; CBS; JJT



Marcia M. Waldron

Marcia M. Waldron, Clerk

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

WILLIE TYLER

:
:
:
:
:
:

Criminal no. 1:96-CR-00106

(Judge Caldwell)

(Electronically Filed)

**ORDER APPOINTING
FEDERAL PUBLIC DEFENDER**

AND NOW, this 19th day of Feb, 2014,

upon a finding that Willie Tyler is financially unable to obtain counsel, IT IS
ORDERED that the Federal Public Defender, 100 Chestnut Street, Suite 306,
Harrisburg, Pennsylvania, 17101, telephone (717) 782-2237, is appointed in all
proceedings arising from this matter.

Dated: Feb 19, 2014

William W. Caldwell
William W. Caldwell
Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

vs.

WILLIE TYLER,
Defendant

:

:

: CRIMINAL NO. 1:CR-96-106

:

:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Defendant, Willie Tyler, has filed a pro se motion, styled as a "memorandum of law," under the All Writs Act and Fed. R. Civ. P. 60(b). In the motion, he argues that his convictions under 18 U.S.C. §§ 1512(a) and 1512(b) are invalid under *Arthur Andersen LLP v. United States*, 544 U.S. 696, 125 S.Ct. 2129, 161 L.Ed.2d 1008 (2005). Essentially, Defendant argues that in light of *Arthur Andersen*, he was convicted for conduct that was not criminal under the statutory sections.

A review of the motion indicated that we may have jurisdiction of it under 28 U.S.C. § 2241 because it presents a claim that could not have been presented in Defendant's earlier 28 U.S.C. § 2255 motion and one that asserts his innocence of the crimes. See *In re Dorsainvil*, 119 F.3d 245 (3d Cir. 1997). We therefore required a response from the Government. Having reviewed that response, we believe Defendant could benefit from representation of counsel on the motion.

Accordingly, this 12th day of August, 2010, it is ordered that:

1. Pursuant to 18 U.S.C. § 3006A(2)(B), the Federal Public Defender is appointed to represent Defendant on proceedings involving his pro se motion (doc. 310), styled as a "memorandum of law," under the All Writs Act and Fed. R. Civ. P. 60(b).
2. The Federal Public Defender shall have sixty (60) days from the date of this order to file a brief in support of the motion.
3. Further briefing shall await review of any brief the public defender may file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge