

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LELIS EZEQUIEL TREMINIO-TOBAR,
Petitioner,

v.

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*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Eastern District of Virginia and the United States Court of Appeals for the Fourth 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:
18 U.S.C. § 3599(c) and the Criminal Justice Act, and

a copy of the order of appointment is appended.

/s/ Christopher B. Amolsch
Christopher B. Amolsch
Counsel of Record
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Counsel for Petitioner

FILED: June 28, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4449
(1:16-cr-00209-LO-5)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LELIS EZEQUIEL TREMINIO-TOBAR, a/k/a Scooby, a/k/a Decente

Defendant - Appellant

O R D E R

The court appoints Christopher Bryan Amolsch and Frank Salvato co-counsel for the appellant pursuant to the provisions of 18 U.S.C. § 3599(c) and the Criminal Justice Act effective 06/25/2018.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material to which defense counsel did not have access in the district court.

Counsel is referred to the [**Capital Case Budgeting and Payment Memorandum**](#) for information on budgeting requirements, appointment terms,

obtaining a fee exempt PACER account for electronic access to documents in CJA cases, redacting private and sensitive data from transcripts and other documents, and maintaining time and expense records. Non-capital hourly rates apply to attorney services on appeal in this case because the death penalty is no longer an issue as to your client.

If counsel believes the costs of representation will exceed the court's average costs, as set forth in the memorandum, counsel must file a CJA budget proposal (ex parte) within 21 days of appointment using the entry **SEALED DOCUMENT**. If counsel does not believe the costs of representation will exceed the court's average costs, counsel must file a statement to this effect within 21 days of appointment using the entry **SEALED DOCUMENT**.

CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24 request for district judge approval and the CJA 24 voucher for transcript payment. Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 30 and 31 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this

appointment from eVoucher, counsel may create CJA 30 and 31 vouchers for use in maintaining time and expense records and paying for expert services. See [CJA eVoucher](#). CJA 24 forms for authorization and payment of transcript should be submitted to the district court in accordance with the procedures established by each district.

All case filings must be made using the court's Electronic Case Filing system (CM/ECF). Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer. See [Required Steps for Registration as an ECF Filer](#).

For the Court--By Direction

/s/ Patricia S. Connor, Clerk