

No. _____

IN THE
Supreme Court of the United States

ALFRED MONTGOMERY, III,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COMES Petitioner Alfred Montgomery, through undersigned counsel, and moves this Honorable Court for leave to proceed *in forma pauperis* and to file the attached Petition for Writ of Certiorari without prepayment of costs, pursuant to Supreme Court Rule 39 and 18 U.S.C. § 3006A(d)(7). A United States Magistrate Judge for the Eastern District of Louisiana declared Mr. Montgomery indigent and appointed the Federal Public Defender to represent him on appeal. *See United States v. Montgomery*, No. 2:16-CR-0225, Dkt. 10, (E.D. La. January 26, 2017) (order) (attached hereto).

WHEREFORE, Petitioner respectfully moves this Honorable Court for leave to proceed *in forma pauperis* and to file the attached Petition for Writ of Certiorari without prepayment of costs.

Respectfully submitted this 8th day of February, 2021.

/s/ Celia C. Rhoads
CELIA C. RHOADS
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Counsel of Record
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CR.NO. 16-225 R

VERSUS

ORDER

X

Appointing Counsel

Substituting Counsel For:

ALFRED MONTGOMERY, III

Ratifying Prior Service

Extending Appointment For Appeal

CHARGE: 18 USC 922(g)(1)...: VIOLATIONS OF THE FEDERAL GUN CONTROL ACT
AND CONTROLLED SUBSTANCES ACT

X FELONY _____ MISDEMEANOR

X The defendant, having satisfied this Court that he/she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the Federal Public Defender named below is hereby appointed to represent this defendant in the above designated case until relieved by order of the District Court:

**CLAUDE KELLY, FEDERAL PUBLIC DEFENDER, HALE BOGGS FEDERAL BLDG.,
RM 318, 500 CAMP ST, NEW ORLEANS, LA 70130 PHONE: (504)589-7930**

Federal Public Defender is appointed for the limited purpose of:

It appearing to the Court that although the defendant is financially unable to employ counsel, he/she is totally indigent.

IT IS FURTHER ORDERED that the defendant pay to the Clerk, U. S. District Court for services of counsel, the total amount of \$ _____ to be paid within 10 working days
or by _____.

IT IS FURTHER ORDERED that the defendant is to pay to the Clerk, U.S. District Court, for services of counsel, \$ _____ per month. This amount is to be paid, beginning on _____, 20____, until further orders of the Court.

Dated at New Orleans, Louisiana, on JANUARY 26, 2017


UNITED STATES MAGISTRATE JUDGE

Copy to Financial Unit Clerk (*Only if defendant is ordered to pay*)