

No.

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IN THE  
**Supreme Court of the United States**

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ROBERT PHILLIP IVERS,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF  
APPEALS FOR THE EIGHTH CIRCUIT

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**MOTION FOR LEAVE TO PROCEED  
*IN FORMA PAUPERIS***

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Robert P. Ivers, through undersigned counsel, respectfully asks 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.

Petitioner's affidavit or declaration is not attached because the court below has appointed the undersigned counsel in the current proceeding under the Criminal Justice Act, 18 U.S.C. § 3006A, and a copy of the orders of appointment are appended.



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BRETT D. KELLEY  
*CJA Counsel for Petitioner*  
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**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 19-1563

United States of America

Appellee

v.

Robert Phillip Ivers

Appellant

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Appeal from U.S. District Court for the District of Minnesota  
(0:18-cr-00090-RWP-1)

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**ORDER**

The motion for re-appointment of counsel to prepare a petition for writ of certiorari has been considered and is granted. Counsel is reappointed under the Criminal Justice Act. Counsel may include time in preparing the certiorari petition with his voucher for reimbursement for his representation in the appeal.

December 03, 2020

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

No. 0:18-cr-00090 (RWP/CFB)

Plaintiff,

v.

Robert Phillip Ivers,

**ORDER FOR SUBSTITUTE  
COUNSEL**

Defendant.

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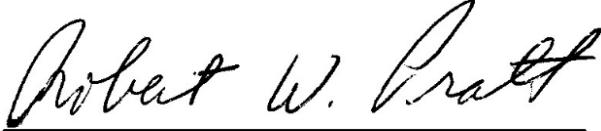
Before the Court is Defendant's Motion to Appoint Counsel under the Criminal Justice Act. ECF No. 173. The Motion seeks an order appointing Brett D. Kelley under the Criminal Justice Act to represent Defendant for the filing of the Notice of Appeal and any subsequent representation necessary to perfect his appeal, with the anticipation that Mr. Kelley will then be appointed to represent Defendant on appeal. The Motion further requests relieving Daniel M. Scott as appointed counsel for Defendant.

The Court has determined that Defendant in the above matter continues to be financially unable to employ counsel and finds that it is in the interests of justice that previously appointed counsel be substituted.

IT IS HEREBY ORDERED that Daniel M. Scott, Attorney ID 98395, is relieved of representing Defendant as appointed counsel.

IT IS FURTHER ORDERED that Brett D. Kelley, Attorney ID 397526, is appointed as counsel to represent Defendant pursuant to 18 U.S.C. § 3006A.

Dated this 4th day of March, 2019.

  
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ROBERT W. PRATT, Judge  
U.S. DISTRICT COURT