

CASE NO. 21 -

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

ERIC TODD

*Petitioner*

v.

UNITED STATES OF AMERICA

*Respondent*

---

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

---

Petitioner, Eric Todd, by counsel, pursuant to Supreme Court Rule 39, seeks leave to file the attached Petition for Writ of Certiorari *in forma pauperis*. In support of this motion, the undersigned states that on February 20, 2019, the United States District Court for the Western District of Kentucky appointed him pursuant to the Criminal Justice Act, 18 U.S. Code § 3006A, to serve as counsel for Mr. Todd, as reflected in the order appended to this motion. The Sixth Circuit extended this appointment automatically pursuant to Sixth Circuit Rule 12(c)(2), as reflected in the September 25, 2019 letter also appended to this motion.



---

Philip M. Longmeyer  
DINSMORE & SHOHL LLP  
101 S. Fifth Street, Suite 2500  
Louisville, Kentucky 40202  
Phone: (502) 540-2300

Fax: (502) 540-2529  
[philip.longmeyer@dinsmore.com](mailto:philip.longmeyer@dinsmore.com)  
*CJA Appointed Counsel of Record for  
Petitioner Eric Todd*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal Action No. 3:17-cr-0077-RGJ

ERIC TODD

Defendant

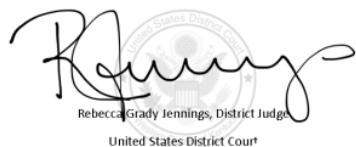
\* \* \* \* \*

**ORDER**

The Court having previously appointed Richard Cooper as new criminal justice act attorney for the defendant and later having been advised that he has a conflict and cannot represent the defendant.

The Court being otherwise sufficiently advised, **IT IS HEREBY ORDERED** as follows:

- (1) **Philip Longmeyer shall be appointed as counsel as of February 19, 2019** for the defendant.
- (2) This matter is set for a status conference on **February 21, 2019 at 3:00 p.m.** at the Gene Snyder U.S. Courthouse in Louisville, Kentucky before the Honorable Rebecca Grady Jennings, United States District Judge.



Rebecca Grady Jennings, District Judge  
United States District Court

Copies to: Counsel of record  
Probation Office  
QC Clerk

February 20, 2019

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: September 25, 2019

Ms. Amanda E. Gregory  
Office of the U.S. Attorney  
717 W. Broadway  
Louisville, KY 40202

Mr. Philip M. Longmeyer  
Dinsmore & Shohl  
101 S. Fifth Street  
Suite 2500  
Louisville, KY 40202

Re: Case No. 19-6074, *USA v. Eric Todd*  
Originating Case No. : 3:17-cr-00077-1

Dear Counsel,

This appeal has been docketed as case number **19-6074** with the caption that is enclosed on a separate page.

As defendant's trial counsel, your appointment under the Criminal Justice Act is extended automatically pursuant to Sixth Circuit Rule 12(c)(2). **This letter serves as your authorization to order any transcript which you deem necessary for the appeal.** Even if the defendant filed the notice of appeal, Sixth Circuit Rule 12(c)(1) requires that counsel continue representation on appeal until specifically relieved by this Court.

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov). If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately. Your password for district court filings will not work in the appellate ECF system.

At this stage of the appeal, the following forms should be downloaded from the web site and filed with the Clerk's office by **October 9, 2019**. Additionally, the transcript order must be completed by that date.

NOTE: Effective July 18, 2016, all attorneys must order transcript for appeal by using the CM/ECF docket entries. The transcript order form used prior to that date will not be accepted after July 18. For further information and instructions on ordering transcript electronically, please visit the court's website.

Appellant: Appearance of Counsel  
Application for Admission to 6th Circuit Bar (if applicable)

Appellee: Appearance of Counsel  
Application for Admission to 6th Circuit Bar (if applicable)

More specific instructions are printed on each form. If the filing fee for the appeal is due because the appellant is not indigent, it must be paid to the District Court by **October 9, 2019**. These deadlines are important -- if the initial forms are not timely filed or the filing fee is due but not paid, the appeal will be dismissed for want of prosecution.

If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely yours,

s/Michelle M. Davis  
Case Manager  
Direct Dial No. 513-564-7025

Enclosure

**OFFICIAL COURT OF APPEALS CAPTION FOR 19-6074**

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ERIC TODD

Defendant - Appellant