

No. 20-7889
IN THE SUPREME COURT OF THE UNITED STATES

ANTHONY SISTRUNK, Petitioner
v.

UNITED STATES OF AMERICA
Respondent

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

Respondent, Maurice Atkinson, pursuant to Title 18, United States Code, Section 3006A(d)(6) and Rule 39 of the United States Supreme Court, asks leave to file the Brief in Support of Petitioner Anthony Sistrunk's Petition For Writ Of Certiorari previously submitted on May 5, 2021 without prepayment of costs, and to proceed *in forma pauperis*. Pursuant to an appointment under the Criminal Justice Act of 1964, as amended, defense counsel was appointed to represent Respondent, Maurice Atkinson, in the United States District court for the Middle District of Pennsylvania and the United States Court of Appeals for the Third Circuit.

Respectfully submitted,

THOMAS, THOMAS & HAVER, LLP

/s/John F. Yaninek

John F. Yaninek, Esquire
PA Attorney ID#55741
PO Box 999
Harrisburg, PA 17108
(717) 441-3952 - Phone
(717) 237-7105 - Fax
Attorney for Respondent, Maurice Atkinson

Date: May 25, 2021

CERTIFICATE OF MEMBERSHIP IN BAR

I, JOHN YANINEK, counsel for Respondent Maurice Atkinson, hereby certify
that I am a member of the Bar of this Court.

/s/John F. Yaninek

JOHN F. YANINEK

No. 20-7889
IN THE SUPREME COURT OF THE UNITED STATES

ANTHONY SISTRUNK, Petitioner
v.
UNITED STATES OF AMERICA
Respondent

**DECLARATION PURSUANT TO RULE 29.2
OF THE RULES OF THE SUPREME COURT**

I declare under penalty of perjury under the laws of the United States of America that the Motion for Leave to Proceed in Forma Pauperis was mailed to the Clerk's Office of the United States Supreme Court in Washington D.C., postage paid and fees paid (USC-426), First Class Mail. I further certify that on the same date, I served the same documents upon the following persons by electronic mail:

Elizabeth D. Prelogar, Esq.,
Acting Solicitor General
Room 5614, Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530, (202) 514-2201
supremectbriefs@usdoj.gov;

Peter Goldberger, Esq.,
Counsel for Respondents, Cruz, et al.
50 Rittenhouse Place
Ardmore, PA 19003, (610) 649-8200
petergoldberger@verizon.net;

Richard Maffett, Jr. Esq.,
Counsel for Respondent, Douglas Kelly
2201 North Second St.
Harrisburg, PA 17110, (717) 233-4160
RMaffettJr@aol.com.

Daniel M. Myshin, Esq.
Counsel for Petitioner, Anthony Sistrunk
P.O. Box 33
Hummelstown, PA 17036
717-541-5451
dan_myshin@myshinlaw.com

As a result, I certify that pursuant to this Court's Rule 29.5, all parties required to be served, have been served.

DATE: May 25, 2021

/s/ John F. Yaninek

John F. Yaninek
Counsel for Respondent,
Maurice Atkinson