
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2020

JASPER POLLINI, *Petitioner*

v.

AMY ROBEY, WARDEN, LUTHER LUCKETT CORRECTIONAL COMPLEX,
Respondent

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner, Jasper Pollini, asks leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. As basis for this motion, Petitioner states the following:

1. Petitioner is indigent.
2. Petitioner was appointed counsel by the Kentucky Supreme Court pursuant to KRS 31.110(2)(c), which authorizes the appointment of counsel in post-conviction actions. Counsel was authorized to continue representation throughout the underlying habeas corpus action under KRS 31.220(1), which authorizes continued representation in United States Courts.

3. Petitioner he has been declared indigent and allowed to proceed in forma pauperis on this appeal. See May 6, 2019 Order, attached.

4. Due to restrictions imposed by the prison system due to COVID-19, Petitioner is unable to meet with counsel for the purposes of obtaining an affidavit of indigency. However, counsel has reviewed Petitioner's financial status, and certifies that his financial status has not changed since he was approved to proceed *in forma pauperis* in District Court. See Affidavit of Timothy Arnold, attached.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that he be permitted to proceed in this action *in forma pauperis*.

Respectfully Submitted,



Timothy G. Arnold, Director
Post-Trial Division
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Frankfort, KY 40601
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

JASPER POLLINI,

Petitioner,

v.

Civil Action No. 3:14-cv-689-DJH-RSE

WARDEN KATHY LITTERAL,

Respondent.

* * * * *

ORDER

Petitioner Jasper Pollini has moved for leave to appeal in forma pauperis. (Docket No. 52) The motion includes the information required by Federal Rule of Appellate Procedure 24(a). Based on the materials submitted, the Court concludes that Pollini lacks adequate resources to pay the appellate filing fee.¹ Accordingly, and the Court being otherwise sufficiently advised, it is hereby

ORDERED that the motion for leave to proceed in forma pauperis (D.N. 52) is **GRANTED**. Pollini may proceed on appeal without prepayment of fees and costs. *See* Fed. R. App. P. 24(a)(2).

May 6, 2019

A handwritten signature in black ink, appearing to read "D.J. Hale", is written over a circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY".

David J. Hale, Judge
United States District Court

¹ The Court notes, however, that the affidavit stating that Pollini has no income or assets is inaccurate according to the attached documentation, which indicates that as of the date of his motion, Pollini had an account balance of \$59.14, with an income of \$313.72, or \$52.29 per month, over the preceding six months. (*See* D.N. 52-2)

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AFFIDAVIT

I, Timothy G. Arnold, being first duly sworn according to law, depose and say:

1. I was duly admitted to Bar of the Supreme Court of the United States on September 6, 2002, and remain a member.
2. I am counsel of record for Petitioner in the above-styled action. I have represented Mr. Pollini since the state court proceedings in this action.
3. Due to restrictions imposed by the Kentucky Department of Corrections in response to COVID-19, I have been unable to meet with the Petitioner for the purpose of securing an affidavit to proceed *in forma pauperis*.
4. I have spoken with the Petitioner, and can confirm that his financial status has not significantly changed since he was approved to proceed *in forma*

pauperis by the United States District Court in this action.

Signed,



Timothy G. Arnold, Director
Post-Trial Division
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COUNSEL OF RECORD

Subscribed and sworn to before me by Timothy G. Arnold on April 26, 2021.



NOTARY PUBLIC, STATE AT LARGE

My Commission Expires: 9.10.2024

Notary ID# KYNP10865