

No. _____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

ESAD LEMO,
Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Esad Lemo, pursuant to Title 18, United States Code, Section 3006A(d)(7) and United States Supreme Court Rule 39, asks leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Pursuant to the Criminal Justice Act of 1964, as amended, the United States District Court for the Western District of Pennsylvania appointed the Federal Public Defender's Office to represent Petitioner.

DATED: May 21, 2021

Respectfully submitted,

/s/ Lisa B. Freeland

LISA B. FREELAND

Federal Public Defender

Counsel of Record

KATHRYN BAILEY

ELISA A. LONG

Assistant Federal Public Defenders

Western District of Pennsylvania

Suite 1500, 1001 Liberty Avenue

Pittsburgh, Pennsylvania 15222

(412) 644-6565

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|------------------------------------|
| ESAD LEMO, |) | |
| |) | |
| Petitioner, |) | Civil Action No. 15 - 824 |
| |) | |
| v. |) | Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| SUPERINTENDENT GLUNT and |) | |
| THE ATTORNEY GENERAL OF |) | |
| THE STATE OF PENNSYLVANIA |) | |
| |) | |
| Respondents. |) | |

ORDER

AND NOW THIS 10th day of August, 2015, the Court being satisfied that the above named Petitioner is financially unable to obtain counsel, and said Petitioner not having waived the appointment of counsel, and that the appointment of counsel is warranted given the facts of this case,

IT IS HEREBY ORDERED that the Federal Public Defender, 1450 Liberty Center, 1001 Liberty Avenue, Pittsburgh, Pennsylvania 15222, phone number (412) 644-6565, is hereby appointed to represent the Petitioner in all matters pertaining to this action. Counsel shall enter an appearance on the docket within seven (7) days of the date of this order.

IT IS FURTHER ORDERED that should counsel desire to file an amended petition, it will be limited to 30 pages and must address the following issues:

- (1) Whether the claims have been exhausted in state court and the state court's holding as to those claims,
- (2) The standard of review under AEDP A as to each claim, and

(3) The timeliness of the claims under AEDPA.

s/Lisa Pupo Lenihan

Lisa Pupo Lenihan

United States Magistrate Judge

cc: Esad Lemo
HZ – 0563
S.C.I. Rockview
Box A
Bellefonte, PA 16823 - 0820

United States Magistrate Judge