

No.

IN THE SUPREME COURT OF THE UNITED STATES

ZACHARY GAGE PEBLEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Julia L. O'Connell
Federal Public Defender

Barbara L. Woltz
(Counsel of Record)
Research and Writing Specialist
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Eastern District of Oklahoma
627 West Broadway
Muskogee, Oklahoma 74401-6220
(918) 687-2430

Counsel for Petitioner

July 9, 2021

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Zachary Gage Pebley, an indigent party in this case, moves for leave to proceed in forma pauperis for the purpose of filing a Petition for Writ of Certiorari.

Petitioner's financial indigency was recognized by the United States District Court for the Eastern District of Oklahoma, which on October 30, 2019 appointed the Office of Federal Public Defender identified below to represent Petitioner pursuant to the Criminal Justice Act (18 U.S.C. §3006A). A copy of the appointment order is attached to this Motion. On May 26, 2020, United States Court of Appeals for the Tenth Circuit granted the motion of the Office of Federal Public Defender to continue its appointment to represent Petitioner in that court. Since the original appointment on October 30, 2019, the Petitioner has since been continuously represented by his appointed counsel.

Petitioner requests that this Court grant leave to proceed in forma pauperis pursuant to Supreme Court Rule 39.1, and permit Petitioner to submit his Petition for Writ of Certiorari without prepayment of filing fees and costs.

Respectfully submitted,

s/ Barbara L. Woltz
Barbara L. Woltz
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ATTACHMENT TO MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

FILEDIN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

OCT 30 2019

UNITED STATES OF AMERICA,)	By _____ Deputy Clerk	PATRICK KEANEY Clerk, U.S. District Court
)		
Plaintiff,)		
)		
vs.)	Case No. 19-MJ-100-KEW	
ZACKARY GAGE PEBLEY	,)	
))	
Defendant.))	

ORDER APPOINTING COUNSEL

On 10/30/19 the above named having completed an affidavit as to financial ability to employ counsel, and upon review, the Court finds that the affiant is financially unable to obtain counsel. In accordance with the Eastern District of Oklahoma Plan for Implementing the Criminal Justice Act of 1984,

IT IS HEREBY ORDERED that the:

- Federal Public Defender is appointed to represent the above-named defendant in all further proceedings unless and until relieved by order of the court.
- Federal Public Defender shall forthwith furnish the name(s) of a private attorney or attorneys, as necessary, for appointment to represent the above-named defendant in all further proceedings unless and until relieved by order of the Court.
- The Court finds that the defendant has the financial ability to make regular periodic payments to reimburse the government for the reasonable costs of providing representation for the defendant. The Court hereby ORDERS that the defendant pay to the Clerk of the Court, 101 North Fifth Street, Room 210, Muskogee, Oklahoma, \$_____ per month, on or before the 15th day of each month, continuing until the government has been fully reimbursed for all reasonable costs of providing representation to the defendant or until further order of the Court.
- Federal Public Defender is temporarily appointed to represent the above-named defendant for purposes of initial appearance only.

Dated this 30th day of October, 2019.



KIMBERLY E. WEST
U.S. MAGISTRATE JUDGE

ATTACHMENT TO MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

CJA 23
(Rev. 11/11)

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES DISTRICT COURT COURT OF APPEALS OTHER (Specify below)
IN THE CASE OF

US

v. _____

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

CHARGE/OFFENSE (describe if applicable & check box →)

 Felony Misdemeanor

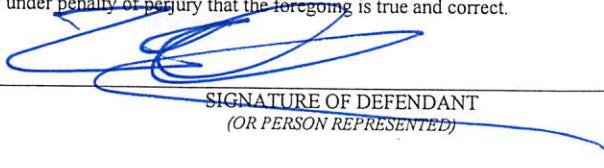
1 Defendant - Adult
 2 Defendant - Juvenile
 3 Appellant
 4 Probation Violator
 5 Supervised Release Violator
 6 Habeas Petitioner
 7 2255 Petitioner
 8 Material Witness
 9 Other (Specify) _____

DOCKET NUMBERS
Magistrate Judge
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed				
	Name and address of employer: _____				
	IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____			
INCOME & ASSETS	If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
	IF YES, how much does your spouse earn per month? \$ _____	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____			
	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
OTHER INCOME	RECEIVED	SOURCES			
IF YES, give the amount \$ _____ received and identify the sources \$ _____	_____				
CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____				
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
	IF YES, give value and description for each	VALUE	DESCRIPTION		
	\$ _____ \$ _____ \$ _____	_____	_____		
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single Married Widowed Separated or Divorced	Total No. of Dependents	List persons you actually support and your relationship to them	
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	
		\$ _____ \$ _____ \$ _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____		

I certify under penalty of perjury that the foregoing is true and correct.


SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

10/30/19

Date