

No.

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IN THE SUPREME COURT OF THE UNITED STATES

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ZACHARY GAGE PEBLEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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Julia L. O'Connell  
Federal Public Defender

Barbara L. Woltz  
(Counsel of Record)  
Research and Writing Specialist  
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Office of the Federal Public Defender  
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

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Counsel of record for Petitioner

ATTACHMENT TO MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

FILED

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

OCT 30 2019

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACKARY GAGE PEBLEY

Defendant.

PATRICK KEANEY  
Clerk, U.S. District Court

By Deputy Clerk

Case No. 19-MJ-100-KEW

**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 <input checked="" type="checkbox"/> DISTRICT COURT <input type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below) IN THE CASE OF <div style="font-size: 1.5em; margin-top: 10px;">US</div> <div style="font-size: 1.5em; margin-top: 10px;">ZACHARY PEBLEY</div>		FOR _____ AT _____		LOCATION NUMBER <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
PERSON REPRESENTED (Show your full name) <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		1 <input checked="" type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 5 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify) _____		DOCKET NUMBERS Magistrate Judge District Court Court of Appeals
CHARGE/OFFENSE (describe if applicable & check box→) <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor				

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY			
INCOME & ASSETS	EMPLOYMENT	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? \$ _____ 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)? \$ _____	
	OTHER INCOME	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 <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           RECEIVED            IF YES, give the amount received and identify the sources \$ _____            \$ _____            \$ _____            \$ _____         </div> <div style="width: 45%;">           SOURCES            _____            _____            _____            _____         </div> </div>	
	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? \$ _____	
	PROPERTY	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 <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           VALUE            IF YES, give value and description for each \$ _____            \$ _____            \$ _____            \$ _____         </div> <div style="width: 45%;">           DESCRIPTION            _____            _____            _____            _____         </div> </div>	

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	Total No. of Dependents <div style="border: 1px solid black; width: 40px; text-align: center; margin: 0 auto;">5</div>	List persons you actually support and your relationship to them _____ _____ _____
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           DESCRIPTION  <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div>           _____            _____            _____            _____         </div> <div style="width: 45%;">           TOTAL DEBT            \$ _____            \$ _____            \$ _____            \$ _____         </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           MONTHLY PAYMENT            \$ _____            \$ _____            \$ _____            \$ _____         </div> <div style="width: 45%;"></div> </div>		

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

 SIGNATURE OF DEFENDANT  
 (OR PERSON REPRESENTED)

 Date  
 10/30/19