

No. _____

21 - 5859

IN THE

SUPREME COURT OF THE UNITED STATES

Shikeb Saddozai _____

(Your Name)

PETITIONER

VS.

Xavier Becerra ,et al., _____

RESPONDENT(S)

ORIGINAL

FILED

SEP 23 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

UNITED STATES DISTRICT COURT, NORTHERN DIST. OF CALIFORNIA

Case No. 18-07337 EJD(PR) June 3, 2019.

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

without prejudice

Agent: saddozai:shikeb.saddozai/CC-1-308/207

(Signature)

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ _____
Life	\$ 0	\$ _____
Health	\$ 0	\$ _____
Motor Vehicle	\$ 0	\$ _____
Other: _____	\$ 0	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ _____
Credit card(s)	\$ 0	\$ _____
Department store(s)	\$ 0	\$ _____
Other: _____	\$ 0	\$ _____
Alimony, maintenance, and support paid to others	\$ 0	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ _____
Other (specify): _____	\$ 0	\$ _____
Total monthly expenses:	\$ 0	\$ _____

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SHIEKB SADDOZAI,
11 Petitioner,

12 v.

13
14 XAVIER BECERRA, et al.,
15 Respondents.

16 Case No. 18-07337 EJD (PR)

17
18 ORDER TO SHOW CAUSE;
19 VACATING ORDER DENYING
20 LEAVE TO PROCEED *IN FORMA*
21 *PAUPERIS*; GRANTING *PAUPER*
22 STATUS; DENYING MOTION FOR
23 APPOINTMENT OF COUNSEL

24 (Docket Nos. 7, 13)

25
26 Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus
27 pursuant to 28 U.S.C. § 2254, challenging his state conviction out of San Mateo County.
28 Petitioner has filed a motion for reconsideration of the Court's denial of his motion for
leave to proceed *in forma pauperis*, (Docket Nos. 18, 19), and a motion for appointment of
counsel, (Docket No. 13).

29
30 I. DISCUSSION

31 A. Standard of Review

32 This court may entertain a petition for a writ of habeas corpus "in behalf of a person
33 in custody pursuant to the judgment of a State court only on the ground that he is in
34 custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C.

1 cert. denied, 469 U.S. 838 (1984). Despite Petitioner's vague assertion of a mental
2 disability, the petition filed in pro se is well-presented and clearly states his claims. (See
3 Docket No. 1.) Furthermore, it does not appear that an evidentiary hearing is necessary at
4 this early stage of the proceedings, and there are no exceptional circumstances to warrant
5 appointment of counsel at this time. Accordingly, Petitioner's motion for appointment of
6 counsel is **DENIED** without prejudice to the Court's sua sponte reconsideration should the
7 Court later find an evidentiary hearing necessary following consideration of the merits of
8 Petitioner's claims.

CONCLUSION

For the foregoing reasons, the Court orders as follows:

1. The court order filed on April 22, 2019, (Docket No. 11), is hereby
VACATED. Petitioner's motion for leave to proceed IFP is **GRANTED**. (Docket No. 7.)
No fee is due at this time.

2. Petitioner's motion for appointment of counsel, (Docket No. 13), is **DENIED** without prejudice.

3. The Clerk shall serve by mail a copy of this order and the petition and all attachments thereto, on Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

4. Respondent shall file with the court and serve on Petitioner, within sixty (60) days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within **thirty (30) days** of his receipt of the

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDOZAI,
Plaintiffs

Case No.: 18-cv-07337-EJD

XAVIER BECERRA, et al.,
Defendants.

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that:

(1) I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California; and

(2) On 6/4/2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's office.

Shikeb Saddozai ID: AY1590
California Correctional Institution
P.O. Box 1905
Tehachapi, ca 93581

Dated: 6/4/2019

Susan Y. Soong
Clerk, United States District Court

By: Adriana M. Kratzmann
Adriana M. Kratzmann, Deputy Clerk to
the Honorable Edward J. Davila