

OCTOBER TERM 2021

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KEVIN JOHNSON,
Petitioner,

v.

TROY STEELE,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

--- CAPITAL CASE ---

Petitioner Kevin Johnson, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently-filed Petition for Writ of Certiorari. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below in state and federal court.

As to the underlying federal proceedings, the United States District Court for the Eastern District of Missouri appointed undersigned counsel Joseph W. Luby on October 15, 2013, undersigned counsel Rebecca E. Woodman on July 11, 2014, and the Federal Community Defender Office for the Eastern District of Pennsylvania on November 20, 2015. *Johnson v. Steele*, No. No. 4:13CV2046 (E.D. Mo.) (Orders, ECF Nos. 3, 25, 74). Counsel were appointed by the district court pursuant to the

Criminal Justice Act, 18 U.S.C. § 3006A and 18 U.S.C. § 3599. That appointment continued through the underlying appeal to the Eighth Circuit. *See* 18 U.S.C. § 3599(e) (providing that CJA-appointed counsel “shall represent the defendant throughout every subsequent stage of available judicial proceedings”).

Undersigned counsel hereby certify that Mr. Johnson is incarcerated and remains indigent at present. Mr. Johnson respectfully requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

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Dated: December 9, 2021