

No. 21-_____

IN THE SUPREME COURT OF THE UNITED STATES

Fnu Sadiqullah,
Petitioner,

vs.

United States of America,
Respondent.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Comes the appellant, Fnu Sadiqullah, by and through undersigned counsel, and moves this Honorable Court for leave to proceed *in forma pauperis*, permitting the filing of the attached Petition for Writ of Certiorari without prepayment of costs, pursuant to SUP. CT. R. 39.

An affidavit of petitioner or declaration of support is not attached to this motion, as the court below appointed counsel, with the appointment being made pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. *See United States v. Fnu Sadiqullah*, Case No. 5:19-CR-00101-2 (E.D. KY May 9, 2019) (minute entry appointing counsel, R. 7) (attached hereto); *see also United States v. Fnu Sadiqullah*,

Case No. 20-6194 (6th Cir. October 20, 2020) (ruling letter appointing counsel, R. 185) (attached hereto).

WHEREFORE, Petitioner, Fnu Sadiqullah, respectfully moves this Honorable Court for leave to proceed *in forma pauperis* and to file the attached Petition for Writ of Certiorari without prepayment of costs.

Respectfully submitted,

By:



Whitney True Lawson
TRUE GUARNIERI AYER, LLP
CJA Counsel for Petitioner
124 Clinton Street
Frankfort, Kentucky 40501
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CRIMINAL MINUTES – INITIAL APPEARANCE

Magistrate Case No. 19-5103-MAS-2 At Lexington Date May 9, 2019

USA vs Fnu "John" Sadiqullah X present X custody bond OR Age

DOCKET ENTRY: Defendant appeared for initial appearance and was advised of his constitutional rights. Defendant requests a preliminary hearing. The United States orally moved for pretrial detention pursuant to 18 USC § 3142(f)(1)(A). Defendant requested a detention hearing. **Defendant requests a Pashto interpreter for future proceedings.**

PRESENT: HON. MATTHEW A. STINNETT, U.S. MAGISTRATE JUDGE

Counsel for Defendant Whitney True Lawson X present retained X appointed

I, Susan Conner, Deputy Clerk, CERTIFY the official record of this proceeding is an audio file
KYED-LEX 5-19-MJ-5103-1,2 20190509 134417.

PROCEEDINGS: INITIAL APPEARANCE

Copy of Complaint given to the defendant.
 Defendant states true name is as stated on Complaint.
 Defendant advised the Court that he/she will retain counsel.
 Defendant request that the Court appoint counsel.
 Financial Affidavit executed & filed in related case.
 Court FINDS defendant qualifies for Court Appointed Counsel under provision of CJA.
 Ordered Whitney True Lawson is appointed Attorney under the CJA.
 Defendant advised of Constitutional Rights.
 Defendant advised of the nature of charges and possible penalties.
 The Court covered standard collateral consequences and notification rights tied to non-citizen status.
 The United States advised it is fulfilling victim notification duties, as necessary.
 Motion of U.S. for pretrial detention assigned for **Detention Hearing** on May 14, 2019, at 4:00 p.m. before Magistrate Judge Stinnett.
 Assigned for **Preliminary Hearing** on May 20, 2019, at 3:00 p.m. before Magistrate Judge Stinnett.
 Defendant released on Own Recognizance and other conditions as set forth in separate order of release.
 Defendant remanded to custody of the USM.
 USPO to circulate Pretrial Services Report (PSR) to counsel. Counsel may retain PSR while detention issues pend but may not copy or disseminate the report to any person (except defense counsel can share content with Defendant).



Signed By:
Matthew A. Stinnett 
United States Magistrate Judge

Copies: COR, USP, USM, D

Initials of Deputy Clerk: stc

TIC: /11

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: October 20, 2020

Ms. Whitney True Lawson
True Guarnieri Ayer
124 W. Clinton Street
Frankfort, KY 40601

Re: Case No. 20-6194, *USA v. Fnu Sadiqullah*
Originating Case No. 5:19-cr-00101-2

Dear Ms. Lawson,

This appeal has been docketed as case number **20-6194** with the caption that is enclosed on a separate page.

Even if the defendant filed the notice of appeal, Sixth Circuit Rule 12(c)(1) requires that counsel continue representation on appeal until specifically relieved by this Court. If a convicted defendant did not qualify to proceed in forma pauperis in the district court but appears to qualify on appeal, Sixth Circuit Rule 24 requires that "trial counsel must see that the defendant completes CJA Form 23 (for an incarcerated defendant) or Fed. R. App. P. Form 4 (for a defendant not incarcerated) and files it in the district court." Counsel's failure to act in this situation may result in adverse action from this court.

As defendant's trial counsel, your appointment under the Criminal Justice Act is extended automatically pursuant to Sixth Circuit Rule 12(c)(2). **This letter serves as your authorization to order any transcript which you deem necessary for the appeal.**

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at www.ca6.uscourts.gov. If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately. Your password for district court filings will not work in the appellate ECF system.

At this stage of the appeal, the following forms should be downloaded from the web site and filed with the Clerk's office by **November 3, 2020**. Additionally, the transcript order must be completed by that date. For further information and instructions on ordering transcript electronically, please visit the court's website.

Appellant: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

Appellee: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

More specific instructions are printed on each form. If the filing fee for the appeal is due because the appellant is not indigent, it must be paid to the District Court by **November 3, 2020**. These deadlines are important -- if the initial forms are not timely filed or the filing fee is due but not paid, the appeal will be dismissed for want of prosecution.

If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely yours,

s/Virginia Lee Padgett
Case Manager
Direct Dial No. 513-564-7032

cc: Ms. Kathryn M. Anderson
Mr. Andrew T. Boone

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 20-6194

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FNU JOHN SADIQULLAH, aka John Sadiqullah

Defendant - Appellant