

No. _____

**In The
Supreme Court of the United States**

CARLOS GOTAY-GUZMAN, a/k/a Negron,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

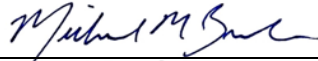
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Carlos Gotay-Guzman (hereinafter “Mr. Gotay-Guzman”), hereby respectfully requests leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. In support of this request, Mr. Gotay-Guzman states as follows:

1. Mr. Gotay-Guzman has previously been granted leave to proceed *in forma pauperis* in the following courts:
 - a. The United States Court of Appeals for the First Circuit, in case number 20-1521.
2. A copy of the letter appointing undersigned counsel to represent Mr. Gotay-Guzman in the United States Court of Appeals for the First Circuit, pursuant to the Criminal Justice Act, is appended to this Motion as Exhibit “A.”

WHEREFORE the Petitioner, David Gotay-Guzman, respectfully requests that this Honorable Court grant him leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted on this 7th day of April, 2022.



Michael M. Brownlee, B.C.S
Florida Bar No.: 68332
The Brownlee Law Firm, P.A.
200 E Robinson Street, Suite 800
Orlando, Florida 32801
407-403-5886
Counsel of Record for Petitioner

United States Court of Appeals For the First Circuit

No. 20-1521

UNITED STATES

Appellee

v.

CARLOS GOTAY-GUZMAN, a/k/a Negro

Defendant - Appellant

ORDER OF COURT

Entered: July 16, 2020
Pursuant to 1st Cir. R. 27.0(d)

Counsel's motion to withdraw, accompanied by an affidavit in which defendant requests appointment of new counsel on appeal, is granted. Attorney Michael Brownlee is appointed as counsel under the guidelines of the Criminal Justice Act, 18 U.S.C. § 3006A.

Attorney Francisco Javier Adams-Quesada is allowed to withdraw representation for the appellant. Attorney Adams-Quesada is directed to forward the case record to Attorney Brownlee at Brownlee Law Firm, PA, 390 N Orange Ave., Ste 2200, Orlando, FL 32801-1642 and provide proof of such service to this court by **July 30, 2020**.

The briefing schedule set on July 9, 2020 is hereby vacated. On or before **August 6, 2020**, Attorney Brownlee must file a transcript order form, accompanied by a CJA 24 voucher, or a statement certifying that the transcript of all necessary proceedings has been produced and filed in the district court or has already been authorized for production in this court.

By the Court:

Maria R. Hamilton, Clerk

cc:

Michael Brownlee, Francisco Javier Adams-Quesada, Carlos Gotay-Guzman, Max J. Perez-Bouret, Myriam Yvette Fernandez-Gonzalez, Mariana E. Bauza Almonte, Edward Gantar Veronda, Jonathan E. Jacobson

Exhibit A

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARIA R. HAMILTON
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

July 16, 2020

Michael March Brownlee
Brownlee Law Firm, PA
390 N Orange Av
Ste 2200
Orlando, FL 32801-1642

Re: US v. Gotay-Guzman
No.: 20-1521

Dear Counsel:

Thank you for accepting an appointment under the Criminal Justice Act. Your appearance has been entered on behalf of the above named appellant. If you have not applied for a separate PACER account that provides fee exempt access for CJA work related to this appointment, you should contact the PACER Service Center at 800-676-6856 to acquire one.

The First Circuit Court of Appeals uses an electronic submission and payment system called eVoucher to process vouchers under the Criminal Justice Act (CJA). Please review the [5/25/16 Notice Re: Implementation of eVoucher](#) for further details. Once you have finished the registration process for eVoucher, you will be able to access the CJA 20 and CJA 21 vouchers (or CJA 30 and CJA 31 vouchers) created for this appointment. CJA 24 vouchers will not be processed through eVoucher. Instead, you will continue to file CJA 24 vouchers electronically with a Transcript Report/Order Form through ECF.

As part of your appointment, you were ordered to determine whether all of the transcripts necessary for this appeal have been ordered. Please review both the district court and court of appeals dockets to see what transcripts have already been ordered. The district court docket should also list all of the transcripts that have been produced to date. If further proceedings need to be transcribed or produced, you must file a separate [Transcript Report/Order Form](#) and CJA 24 Voucher for each court reporter. If you determine that all of the transcripts necessary for the appeal have been filed, you must indicate as much in the Transcript Report section of the Transcript Order Form and file it with the court.

The court's website at www.ca1.uscourts.gov contains many important forms and instructions as well as links to the [Federal Rules of Appellate Procedure and First Circuit Local Rules](#) and the [CJA Reference Manual](#). Please visit the website and review the [Criminal Justice](#)

[Act tab](#) for CJA Voucher instructions, important announcements and links to helpful sites. Please also review the [Notice to Court-Appointed Counsel Regarding Requirements for Briefs](#).

A CJA 20 voucher must be submitted no later than 45 days after the final disposition of the case (as defined in the attached Notice Regarding Completion of Representation) and must include a supplemental diary that reflects the hours worked on each date, the time spent both in-court and out-of-court, and a description of the services provided along with a listing of expenses incurred. Please refer to the [CJA Form 20 Instructions](#) and [Local Rule 46.5](#), which is this court's plan for implementing the Criminal Justice Act.

Your service as an appointed attorney under the Criminal Justice Act is appreciated.

Sincerely,

Maria R. Hamilton, Clerk

Enclosures

Case Manager: Alistair - (617) 748-4664

United States Court of Appeals For the First Circuit

NOTICE TO CJA COUNSEL REGARDING COMPLETION OF REPRESENTATION AND SUBMISSION OF A FINAL VOUCHER

Court-appointed counsel's attention is directed to 1st Cir. R. 46.5(c). If an appeal is denied, counsel must:

- Inform the client of the loss on appeal, the right to petition for a writ of certiorari, and the time period for doing so.
- Prepare and file a petition for a writ of certiorari if there are reasonable grounds to do so and the client requests it.
- If counsel determines that there are no reasonable grounds and declines to file a petition for a writ of certiorari requested by the client, counsel must so inform the Court and request leave to withdraw from the representation by written motion stating that counsel has reviewed the matter and determined that the petition would be frivolous, accompanied by counsel's certification of the date when a copy of the motion was furnished to the client.
- If the client does not wish to apply for certiorari or does not respond to the notification, counsel shall so inform the court by letter.

For more detailed information, counsel should consult 1st Cir. R. 46.5(c). Under all circumstances, counsel should either file a petition for a writ of certiorari or move to withdraw following the procedures set forth in Rule 46.5(c). The 45-day time period for filing a final CJA voucher runs from the filing of the petition or the order allowing the motion to withdraw.

In the event counsel does move to withdraw rather than file a petition for a writ of certiorari, counsel is advised to do so promptly and well in advance of the deadline for filing a petition. The court makes its own determination as to frivolousness before allowing a motion to withdraw. Occasionally, the court denies a motion to withdraw and requires counsel to file a petition.