

IN THE SUPREME COURT OF THE UNITED STATES

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MARCELLUS OVERTON,

*Petitioner,*

No.

v.

UNITED STATES OF AMERICA,

*Respondent.*

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**MOTION FOR LEAVE  
TO PROCEED IN  
FORMA PAUPERIS**

MATTHEW W. BRISSENDEN, counsel for the Petitioner Marcellus Overton, hereby moves for leave to file the accompanying petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner was previously granted leave to proceed in forma pauperis in the Second Circuit Court of Appeals. A copy of the Order from the Second Circuit Court of Appeals, appointing the undersigned attorney as counsel under the Criminal Justice Act (18 U.S.C. § 3006A), is attached hereto as Exhibit A.

Based upon the forgoing information and the attached Order, we respectfully request that Marcellus Overton be granted leave to proceed in forma pauperis before this Court.

Dated: Garden City, New York  
May 31, 2022

Respectfully submitted,



Matthew W. Brissenden  
MATTHEW W. BRISSENDEN, P.C.  
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*Counsel for Petitioner Marcellus Overton*

## EXHIBIT A

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 1st day of February, two thousand twenty-one.

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**ORDER**

United States of America,  
Appellee,

Docket No. 21-76

v.

Marcellus Overton,  
Defendant - Appellant.

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Robert R. Fogg moves to be relieved as counsel for the Appellant.

IT IS HEREBY ORDERED that the motion to be relieved is GRANTED. Matthew W. Brissenden, Esq., 666 Old Country Road, Suite 501, Garden City, NY 11530, is assigned as new counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. Attorney Brissenden is directed to review Local Rule 31.2 regarding procedures for setting the filing dates for the submission of briefs.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  
Catherine O'Hagan Wolfe

