

No. 21-949

**IN THE SUPREME COURT OF THE UNITED STATES**

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GEORGE LITTLE, ACTING SECRETARY,  
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL., PETITIONERS

v.

SAMUEL RANDOLPH, RESPONDENT

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

Respondent Samuel Randolph, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently-filed Brief for Respondent in Opposition. Respondent is indigent; he has sought and been appointed counsel throughout the proceedings below in federal court.

As to his federal proceedings, Respondent moved for the appointment of counsel pursuant to 18 U.S.C. § 3599 and for leave to proceed *in forma pauperis* in the United States District Court for the Middle District of Pennsylvania, on April 28, 2006. *See Randolph v. Beard*, No. 1:06-cv-00901-CCC (M.D. Pa.) (Motion, ECF No. 1). On May 4, 2006, the district court issued an order appointing the Federal Community Defender Office for the Eastern District of Pennsylvania as counsel. *Id.* (Order, ECF No. 2). On June 30, 2020, the United States Court of Appeals for the Third Circuit issued an order appointing the Federal Community Defender Office for the Eastern District of Pennsylvania as counsel for Mr. Randolph. *See Randolph v. Secretary*, No. 20-9003 (Order, ECF No. 3). Both orders are attached hereto,

pursuant to Supreme Court Rule 39.1. Undersigned counsel hereby certify that Mr. Randolph is incarcerated and remains indigent at present. Mr. Randolph respectfully requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ JENNIFER CHICCARINO  
JENNIFER CHICCARINO  
*Counsel of Record*  
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for the Eastern District of Pennsylvania  
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Dated: February 28, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SAMUEL RANDOLPH</b>	:	<b>CIVIL ACTION NO: 1:06-CV-0901</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>JEFFREY BEARD, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 4th day of May, 2006, upon consideration of the motion to proceed *in forma pauperis* (Doc. 1), in which petitioner avers that he is indigent and under a sentence of death, see 28 U.S.C. 1915(a)(1) (“[A]ny court of the United States may authorize the commencement . . . of any [action] . . . without prepayment of fees . . . by a person who submits an affidavit . . . that the person is unable to pay such fees . . .”), requests the appointment of counsel, see 18 U.S.C. § 3599(a)(2) (“In any [proceeding] . . . seeking to vacate or set aside a death sentence, any defendant who is . . . financially unable to obtain adequate representation . . . shall be entitled to the appointment of one or more attorneys . . .”); see also id. § 3599(a)(2)(c) (“If the appointment [of counsel] is made after judgment, at least one attorney so appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in that court in felony cases.”), and a stay of proceedings such that counsel may adequately prepare a petition for writ of habeas corpus, see 28 U.S.C. § 2251 (“[A] judge of the United

States before whom a habeas corpus proceeding is pending may . . . stay any proceeding against the person detained . . . under the authority of any State for any matter involved in the habeas corpus proceeding.”); see also McFarland v. Scott, 512 U.S. 849, 858 (1994) (“[T]he right to counsel necessarily includes a right for that counsel meaningfully to research and present a defendant’s habeas claims . . . . [and] approving the execution of a defendant before his petition is decided on the merits would clearly be improper.”), it is hereby ORDERED that:

1. The motion to proceed *in forma pauperis* (Doc. 1) is GRANTED. See 28 U.S.C. § 1915(a)(1).
2. The Capital Habeas Corpus Units of the Federal Public Defender Office for the Middle District of Pennsylvania and the Federal Community Defender for the Eastern District of Pennsylvania are APPOINTED to represent petitioner Samuel Randolph in the above-captioned action. see 18 U.S.C. § 3599(a)(2); see also id. § 3599(a)(2)(c).
3. Any state proceedings for the execution of petitioner Samuel Randolph are STAYED pending disposition of the anticipated petition for writ of habeas corpus, or until further order of this court. See 28 U.S.C. § 2251.
4. Petitioner shall file, on or before December 1, 2006, a petition for writ of habeas corpus.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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

No. 20-9003

Samuel Randolph, IV v. Secretary Pennsylvania Departm, et al

(U.S. District Court No.: 1-06-cv-00901)

**ORDER**

It appearing that Samuel B. Randolph having satisfied the Court that he is financially unable to obtain representation by counsel, it is

ORDERED that the Federal Community Defender Organization for the Eastern District of Pennsylvania is hereby appointed pursuant to 18 U.S.C. Section 3006A(a) to represent Samuel B. Randolph in the above-captioned matter. This appointment will remain in effect until termination of this case or substitute counsel is appointed.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: June 30, 2020  
MB/cc: Aren K. Adjoian, Esq.  
Jaime B. Boyd, Esq.  
Jennifer L. Chiccarino, Esq.  
Ryan H. Lysaght, Esq.  
David L. Zuckerman, Esq.