

No. \_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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ROBERT BROWN II,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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*ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT*

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

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KORT W. GATTERDAM  
Member of the Bar of This Court  
Counsel of Record  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
(614) 365-4100 (phone)  
(614) 365-9145 (fax)  
[gatterdam@carpenterlipps.com](mailto:gatterdam@carpenterlipps.com)

Counsel for Petitioner

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

Appointed counsel, on behalf of Petitioner Robert Brown II, respectfully requests leave to file the Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit without the pre-payment of costs or fees, and to proceed *in forma pauperis* under Rule 39.1 of the Supreme Court Rules.

The court below, the United States Court of Appeals for the Sixth Circuit, appointed counsel for Petitioner under the Criminal Justice Act, 18 U.S.C. §3006A. (See Exhibit A) Accordingly, under Rule 39.1 of this Court, an affidavit of Petitioner's indigency is not required.

For these reasons, and in the interest of justice, Petitioner Robert Brown II respectfully requests that Court grant his motion for leave to proceed *in forma pauperis*.

Respectfully submitted,



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KORT W. GATTERDAM  
Member of the Bar of This Court  
Counsel of Record  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
(614) 365-4100 (phone)  
(614) 365-9145 (fax)  
gatterdam@carpenterlipps.com

Counsel for Petitioner

Date: September 29, 2022

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

**EXHIBIT A**

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: January 15, 2020

Mr. Kort W. Gatterdam  
Carpenter, Lipps & Leland  
280 N. High Street  
Suite 1300  
Columbus, OH 43215

Re: Case No. 19-2354, *USA v. Robert Brown, II*  
Originating Case No. : 2:15-cr-20652-6

Dear Counsel,

This confirms your appointment to represent the defendant in the above appeal under the Criminal Justice Act, 18 U.S.C. § 3006A.

You must file your appearance form and order transcript within 14 days of this letter. The appearance form and instructions for the transcript order process can be found on this court's website. Please note that transcript ordering in CJA-eligible cases is a two-part process, requiring that you complete both the financing of the transcript (following the district court's procedures) and ordering the transcript (following the court of appeals' docketing procedures). Additional information regarding the special requirements of financing and ordering transcripts in CJA cases can be found on this court's website at <http://www.ca6.uscourts.gov/criminal-justice-act> under "Guidelines for Transcripts in CJA Cases."

Following this letter, you will receive a notice of your appointment in the eVoucher system. That will enable you to log into the eVoucher system and track your time and expenses in that system. To receive payment for your services at the close of the case you will submit your voucher electronically via eVoucher. Instructions for using eVoucher can be found on this court's website. Your voucher must be submitted electronically no later than 45 days after the final disposition of the appeal. *No further notice will be provided that a voucher is due.* Questions regarding your voucher may be directed to the Clerk's Office at 513-564-7078.

Finally, if you become aware that your client has financial resources not previously disclosed or is no longer eligible for appointed counsel under the Criminal Justice Act, please contact the Clerk or Chief Deputy for guidance.

Sincerely yours,

s/Ken Loomis  
Administrative Deputy  
Direct Dial No. 513-564-7067

cc: Mr. Robert Brown II  
Ms. Beverly L. Harris  
Mr. Daniel R. Hurley  
Mr. David J. Weaver  
Mr. A. Tare Wigod