

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DERRICK STEWART,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has been incarcerated since March 24, 2017. Petitioner has had Court-appointed counsel throughout the pendency of his criminal and Habeas Corpus proceedings. Counsel was court-appointed to represent Petitioner before the 8th Circuit. Petitioner has previously been found indigent by the Southern District of Iowa and the Eighth Circuit Court of Appeals. Leave to proceed *in forma pauperis* has not previously been sought. Petitioner's 207 Financial Affidavit and prior Order finding him indigent are attached in support of this motion. Petitioner will supplement a more recent Financial Affidavit if necessary.

**PARRISH KRUIDENIER DUNN GENTRY
BROWN BERGMANN & MESSAMER, L.L.P.**

By: /s/ Jessica Donels

Jessica Donels

Counsel of Record

2910 Grand Avenue

Des Moines, Iowa 50312

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

No: 21-2791

Derrick Anthony Stewart

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:19-cv-00392-SMR)

ORDER

Mr. Andrew Dunn's motion for leave to withdraw is granted, and Ms. Jessica Donels is appointed in his stead to represent appellant under the provisions of the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

August 12, 2021

Order Entered under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

August 12, 2021

Ms. Jessica Donels
PARRISH & KRUIDENIER
2910 Grand Avenue
Des Moines, IA 50312

RE: 21-2791 Derrick Stewart v. United States

Dear Ms. Donels:

Enclosed is an order directing your appointment under the provisions of the Criminal Justice Act. You will receive a CJA appointment through the eVoucher electronic system with a login and password. Your duties as counsel are defined by Eighth Circuit Rule 27B and Eighth Circuit's Plan to Expedite Criminal Appeals. Please review these materials which are on the "Rules and Publications" page of our web site.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

Instructions for preparing vouchers for payment may be found on the court's website at www.ca8.uscourts.gov/cja-information and from links in the eVoucher program. Submission of paper vouchers is not allowed. Vouchers should be submitted after the court issues its mandate at the close of the case.

Appointments are personal and cannot be delegated without the court's approval. If you have any questions about your appointment or the CJA voucher process, please contact this office.

The court has established a briefing schedule for the case, and the appellant's brief remains due September 20, 2021. Please review the schedule and note the key filing dates. You should also review Federal Rules of Appellate Procedure 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redacter-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbchck.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

If a transcript will be required for the appeal, you should immediately contact the official court reporter and take steps to order the transcripts and arrange for payment for their production.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

BNW

Enclosure(s)

cc: Mr. Clerk, U.S. District Court, Southern Iowa
Mr. Clifford R. Cronk
Mr. Andrew J. Dunn

District Court/Agency Case Number(s): 4:19-cv-00392-SMR

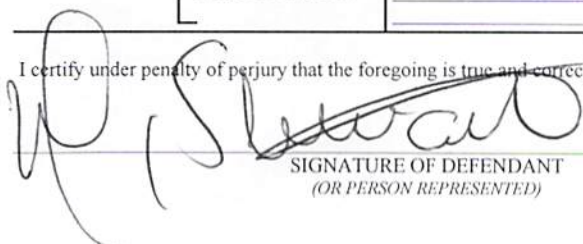
CJA 23 (Rev. 11/11)	FINANCIAL AFFIDAVIT	IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE
IN THE UNITED STATES <input checked="" type="checkbox"/> DISTRICT COURT <input type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below)		
IN THE CASE OF		
USA	v.	Stewart, et al
		FOR
		AT
PERSON REPRESENTED (Show your full name) Derrick Stewart		<div style="border: 1px solid black; padding: 5px;"> RECEIVED LOCATION NUMBER MAR 23 2017 CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF IOWA </div> <div style="border: 1px solid black; padding: 5px;"> DOCKET NUMBERS Magistrate Judge 3:17-mj-27 District Court Court of Appeals </div>
CHARGE/OFFENSE (describe if applicable & check box-->) Conspiracy to distribute heroin		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		1 <input checked="" type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 5 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify)

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

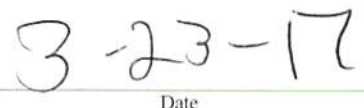
INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: <u>Automotive Expert, Rock Island</u> IF YES, how much do you earn per month? \$ <u>25.00/hour</u> IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____
		If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>NA</u> IF YES, how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="display: flex; justify-content: space-between;"> <div> RECEIVED IF YES, give the amount received and identify the sources \$ _____ \$ _____ \$ _____ </div> <div> SOURCES _____ _____ _____ </div> </div>
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ <u>30-40</u>
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="display: flex; justify-content: space-between;"> <div> VALUE IF YES, give value and description for each \$ _____ \$ _____ \$ _____ </div> <div> DESCRIPTION _____ _____ _____ </div> </div>

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced Total No. of Dependents: <u>4</u>	List persons you actually support and your relationship to them <u>4 minor children</u>
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<div style="display: flex; justify-content: space-between;"> <div> DESCRIPTION <u>child support</u> _____ _____ _____ </div> <div> TOTAL DEBT \$ <u>30</u> \$ _____ \$ _____ \$ _____ </div> <div> MONTHLY PAYMENT \$ <u>30</u> \$ _____ \$ _____ \$ _____ </div> </div>	

I certify under penalty of perjury that the foregoing is true and correct.



SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)



Date