

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JASON BOYET,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COMES Petitioner Jason Boyet, through undersigned counsel, who moves this Honorable Court for leave to proceed *in forma pauperis* and to file the attached Petition for Writ of Certiorari without prepayment of costs, pursuant to Supreme Court Rule 39 and 18 U.S.C. § 3006A(d)(7). The U.S. Court of Appeals for the Fifth Circuit determined that Mr. Boyet was financially eligible for appointment of counsel and appointed the Federal Public Defender to represent him. *United States v. Boyet*, No. 21-30690, Document 28 (5th Cir. Jan. 5, 2022) (attached hereto).

WHEREFORE, Petitioner respectfully moves this Honorable Court for leave to proceed *in forma pauperis* and to file the attached Petition for Writ of Certiorari without prepayment of costs.

Respectfully submitted this 2nd day of February, 2023.

/s/ Samantha Kuhn
SAMANTHA J. KUHN
Assistant Federal Public Defender
Counsel of Record
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500 Poydras Street, Suite 318
Hale Boggs Federal Building
New Orleans, Louisiana 70130
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samantha_kuhn@fd.org

United States Court of Appeals
for the Fifth Circuit

No. 21-30690

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JASON BOYET,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:20-CR-51-1

ORDER:

Rachel Conner, the attorney previously retained by Jason Boyet to represent him in this direct criminal appeal, was granted leave to withdraw as counsel. Boyet now moves this court for the appointment of counsel in his appeal from his felony conviction and expressly requests that Conner be appointed to represent him.

Boyet's financial affidavit reflects that he is financially eligible for appointment of counsel. *See* 18 U.S.C. § 3006A; FIFTH CIRCUIT PLAN UNDER THE CRIMINAL JUSTICE ACT, §§ 3-5. Accordingly, his motion for the appointment of counsel is GRANTED. However, his request that a particular attorney be appointed is DENIED. *See United States v. Gonzalez-*

No. 21-30690

Lopez, 548 U.S. 140, 144, 151 (2006); *United States v. Breeland*, 53 F.3d 100, 106 n.11 (5th Cir. 1996). The Clerk's Office will identify the attorney that will represent Boyet.

ENTERED FOR THE COURT:

Kim B. Tycer

KIM TYCER
Deputy Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 05, 2022

Ms. Samantha Jean Kuhn
Federal Public Defender's Office
Eastern District of Louisiana
500 Poydras Street
Suite 318
New Orleans, LA 70130

No. 21-30690 USA v. Boyet
USDC No. 2:20-CR-51-1

Dear Ms. Kuhn,

Enclosed is a copy of the court's order appointing the Federal Public Defender.

Please carefully read and within 15 days from this date comply with the applicable instructions stated below.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

You must complete a transcript order form, which can be obtained from the court's website www.ca5.uscourts.gov. You are required to electronically file the form via the 5th Circuit's Electronic Document Filing System even if the form was filed with the district court, and make financial arrangements with the court reporter. When completed, this meets your obligation to order the necessary portions of the court reporter's transcript, see Fed. R. App. P.

10(b). (If you are pro se and unable to afford payment, you must file a motion with the district court requesting transcript at government expense, and notify this court.) We will coordinate the transcript deadlines with the court reporter. The court reporter should contact you directly if an extension of time to file the transcript is granted. Failure to complete the transcript order form and make financial arrangements with the court reporter within 15 days will result in dismissal of the appeal in accordance with the rules.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in black ink, appearing to read 'W. M. Jett', written over a horizontal line.

By: _____
Whitney M. Jett, Deputy Clerk
504-310-7772

cc w/encl:

Mr. Kevin G. Boitmann
Mr. Jason Boyet
Ms. Diane Hollenshead Copes
Mr. Jordan Samuel Ginsberg
Ms. Carol L. Michel