

No. \_\_\_\_\_

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

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ERNEST KYLE DYER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

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Petitioner, Ernest Kyle Dyer, through Criminal Justice Act (“CJA”) Counsel, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Dyer’s affidavit or declaration is **not** attached because the court below appointed CJA counsel, and a copy of that order is appended.

*s/K. Wesley Mishoe*  
K. Wesley Mishoe (I.D. 321983)  
**TUCKER ARENSBERG, P.C.**  
300 Corporate Ctr. Dr., Ste. 200  
Camp Hill, Pennsylvania 17011  
(717) 221-7961  
[wmishoe@tuckerlaw.com](mailto:wmishoe@tuckerlaw.com)

Date: February 6, 2023

*CJA Counsel for Petitioner*

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

No. 21-3087

USA v. Ernest Dyer

(U.S. District Court No. 1-17-cr-00226-001)

**ORDER REGARDING APPOINTMENT OF COUNSEL**

Kenneth W. Mishoe, Esq. is hereby appointed to represent Ernest Kyle Dyer on appeal. The appointment will be created in the Court's eVoucher program. Counsel is directed to the eVoucher page for information regarding the appointment terms and procedures.

CJA 20, 30, 21 and 31 vouchers are submitted for payment through the Court's eVoucher program. Upon receiving separate email notification of this appointment from the Court's CJA staff, counsel may create CJA 20, 30, 21 and 31 vouchers for use in maintaining time and expense records and paying for expert services.

**Authorization for preparation of transcripts must be obtained in the District Court.** Deadlines for ordering and filing the transcripts will be set by this Court. Counsel is required to file the transcript purchase order in this Court and should indicate in Part 1B of the form that the "CJA form submitted to District Court Judge". Counsel must complete the transcript request by filing an "Auth-24" request in the District Court's eVoucher program. Financial arrangements for the transcripts will not be considered complete until counsel has submitted an "Auth-24" request through the District Court's eVoucher program.

For the Court,

s/ Patricia A. Dodszuweit  
Clerk

Dated: November 15, 2021  
DW/cc: Michael A. Consiglio, Esq.  
Kenneth W. Mishoe, Esq.  
Meredith A. Taylor, Esq.