

No. 22-7485

ORIGINAL

Supreme Court, U.S.
FILED

MAY 03 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

DANIEL ISAIAH THODY - PETITIONER

VS.

UNITED STATES OF AMERICA - RESPONDENT

WISH FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner wishes leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court: United States Court of Appeals for the Sixth Circuit

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and a copy of the order of appointment is appended.



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

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: March 30, 2022

Mr. Richard E. Zambon
P.O. Box 513
Cannonsburg, MI 49317

Re: Case No. 22-1256, *USA v. Daniel Thody*
Originating Case No. 1:19-pt-00030-1

Dear Counsel,

This appeal has been docketed as case number **22-1256** with the caption that is enclosed on a separate page.

Even if the defendant filed the notice of appeal, Sixth Circuit Rule 12(c)(1) requires that counsel continue representation on appeal until specifically relieved by this Court. If a convicted defendant did not qualify to proceed in forma pauperis in the district court but appears to qualify on appeal, Sixth Circuit Rule 24 requires that "trial counsel must see that the defendant completes CJA Form 23 (for an incarcerated defendant) or Fed. R. App. P. Form 4 (for a defendant not incarcerated) and files it in the district court." Counsel's failure to act in this situation may result in adverse action from this court.

As defendant's trial counsel, your appointment under the Criminal Justice Act is extended automatically pursuant to Sixth Circuit Rule 12(c)(2). **This letter serves as your authorization to order any transcript which you deem necessary for the appeal.**

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at www.ca6.uscourts.gov. If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately. Your password for district court filings will not work in the appellate ECF system.

At this stage of the appeal, the following forms should be downloaded from the website and filed with the Clerk's office by **April 13, 2022**. Additionally, the transcript order must be completed by that date. For further information and instructions on ordering transcript electronically, please visit the court's website.

Appellant: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

Appellee: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

More specific instructions are printed on each form. If the filing fee for the appeal is due because the appellant is not indigent, it must be paid to the District Court by **April 13, 2022**. These deadlines are important -- if the initial forms are not timely filed or the filing fee is due but not paid, the appeal will be dismissed for want of prosecution.

If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely,

s/Gretchen S. Abruzzo
Case Manager
Direct Dial No. 513-564-7018

cc: Ms. Jennifer S. Murnahan
Mr. Daniel Isaiah Thody

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 22-1256

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DANIEL ISAIAH THODY

Defendant - Appellant