

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

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IN THE  
**Supreme Court of the United States**

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ANDREW PAYTON,  
*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 Fifth Circuit

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

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NOW COMES Petitioner Andrew Payton, 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 United States District Court for the Eastern District of Louisiana determined that Mr. Payton was financially eligible for appointment of counsel and appointed the Federal Public Defender to represent him. *United States v. Payton*, No. 19-214, Dkt. No. 84 (E.D. La. Jul. 28, 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 12<sup>th</sup> day of May, 2023.

/s/ Celia Rhoads  
CELIA C. RHOADS  
Assistant Federal Public Defender  
*Counsel of Record*  
Office of the Federal Public Defender  
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New Orleans, Louisiana 70130  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

NO. 19-214

ORDER

VERSUS

ANDREW PAYTON

X Appointing Counsel  
\_\_\_\_ Substituting Counsel For:  
\_\_\_\_ Ratifying Prior Service  
\_\_\_\_ Extending Appointment For Appeal

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CHARGE: APPEAL

X FELONY \_\_\_\_ MISDEMEANOR

X The defendant, having satisfied this Court that he/she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the Federal Public Defender named below is hereby appointed to represent this defendant in the above designated case until relieved by order of the District Court:

**CLAUDE KELLY, FEDERAL PUBLIC DEFENDER, HALE BOGGS FEDERAL BLDG.,  
ROOM 318, 500 POYDRAS ST, NEW ORLEANS, LA 70130 PHONE: (504) 589-7930**

\_\_\_\_ Federal Public Defender is appointed for the limited purpose of: \_\_\_\_\_.

\_\_\_\_ It appearing to the Court that although the defendant is financially unable to employ counsel, he/she is totally indigent.

\_\_\_\_ IT IS FURTHER ORDERED that the defendant pay to the Clerk, U. S. District Court for services of counsel, the total amount of \$ \_\_\_\_\_ to be paid within 10 working days or by \_\_\_\_\_.

\_\_\_\_ IT IS FURTHER ORDERED that the defendant is to pay to the Clerk, U.S. District Court, for services of counsel, \$ \_\_\_\_\_ per month. This amount is to be paid, beginning on \_\_\_\_\_, until further orders of the Court.

Dated at New Orleans, Louisiana, on JULY 27, 2022

  
UNITED STATES MAGISTRATE JUDGE

Copy to Financial Unit Clerk (Only if defendant is ordered to pay)