

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAVID ALLEN SATTAZAHN,

Petitioner,

v.

SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, SUPERINTENDENT
GREENE SCI; THE DISTRICT ATTORNEY OF BERKS COUNTY; THE ATTORNEY
GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondents.

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

MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

Petitioner David Allen Sattazahn, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently-filed Petition for Writ of Certiorari. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below in state and federal court.

In his federal proceedings, Petitioner moved for the appointment of counsel and for leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Pennsylvania, on July 24, 2017. *See Sattazahn v. Wetzel, et al.*, No. 17-cv-3240 (E.D. Pa. Aug. 16, 2017) (Motion, ECF No. 3). On March 24, 2014, the district court issued an order appointing the Federal Community Defender Office for the Eastern District of Pennsylvania as counsel to Petitioner. *Id.* (Order, ECF No. 5). That order is attached hereto, pursuant to Supreme Court Rule 39.1.

By Order dated July 28, 2021, the United States Court of Appeals for the Third Circuit permitted Mr. Sattazahn to proceed in forma pauperis as well stating that it appeared that Petitioner had satisfied the Court that he was financially unable to obtain representation by counsel. *Sattazahn v. Secretary Pennsylvania Dept., et al.*, No. 21-2372 (July 28, 2021) (ECF No. 3). That Order is also attached hereto.

Undersigned counsel hereby certify that Mr. Sattazahn is incarcerated and remains indigent at present. Mr. Sattazahn respectfully requests that this Court allow him to proceed in forma pauperis.

Respectfully submitted,

s/ Samuel J.B. Angell
LISA EVANS LEWIS
Chief Federal Defender
SAMUEL J.B. ANGELL
Counsel of Record
DAVID ZUCKERMAN
Assistant Federal Defenders
Federal Community Defender Office
for the Eastern District of Pennsylvania
601 Walnut St., Suite 545W
Philadelphia, Pennsylvania 19106
(215) 928-0520
Samuel_Angell@fd.org

Dated: November 7, 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID SATTAZAHN,
Petitioner,

v.

JOHN E. WETZEL, et al.,
Respondents.

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CIVIL ACTION

NO. 17-cv-3240

ORDER

AND NOW, this 16th day of August, 2017, upon consideration of Petitioner's Motion for Appointment of Counsel (ECF No. 3), it is hereby **ORDERED** that:

- (1) Petitioner's motion is **GRANTED**;
- (2) The Federal Community Defender Office for the Eastern District of Pennsylvania is appointed to represent Petitioner; and
- (3) Petitioner shall file an Amended Petition for Writ of Habeas Corpus within ninety (90) days of the date of this Order.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
UNITED STATES MAGISTRATE JUDGE

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-2372

David Sattazahn v. Secretary Pennsylvania Dept, et al.

(E.D. Pa. No.: 5-17-cv-03240)

ORDER

It appearing that David Sattazahn having satisfied the Court that he is financially unable to obtain representation by counsel, it is

ORDERED that the Federal Community Defender Organization for the Eastern District of Pennsylvania is hereby appointed pursuant to 18 U.S.C. Section 3006A(a) to represent David Sattazahn in the above-captioned matter. This appointment will remain in effect until termination of this case or substitute counsel is appointed.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: July 28, 2021
ARR/cc:
Samuel J.B. Angell, Esq.
Hugh J. Burns Jr., Esq.
Ronald Eisenberg, Esq.
Kelly M. Sekula, Esq.
David L. Zuckerman, Esq.