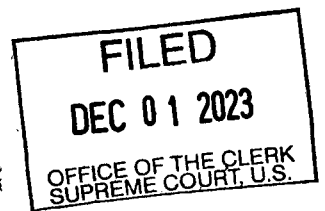


No. 23 - 6394



IN THE SUPREME COURT OF THE UNITED STATES

Andrew Tablack,
Petitioner.

v.

United States of America

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

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

1.) Petitioner has been previously granted leave to proceed in forma pauperis in the following court(s): United States Court of Appeals for the Third Circuit (Criminal No. 22-1297); and the United States District Court for the District of New Jersey (Criminal No. 19-374(MAS)).

2.) Petitioner's affidavit or declaration is not attached because the Courts below appointed counsel in the current proceeding, and: the appointment was made under the Criminal Justice Act, 18 U.S.C. 3006(A).

Respectfully submitted,

A. Tablachi

Andrew Tablachi, Pro Se
Reg No. 75731-112
Victorville USP
PO BOX 3900
Adelanto, CA 92301

Dated: 12/1/23

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-1297

United States v. Tablack
(D.N.J. No. 3-19-cr-00374-001)

ORDER

It is noted that Appellant chose to waive his right to counsel and proceed pro se in the District Court. The District Court appointed Mark W. Catanzaro, Esq. as stand-by counsel. Appellant is hereby advised that unlike proceedings in District Court, there is no right to proceed pro se on appeal. See Martinez v. Court of Appeal of California, 528 U.S. 152 (2000). This Court in its discretion may permit an appellant to proceed pro se if an appellant knowingly and voluntarily waives the right to counsel. The Supreme Court has instructed that in order for a waiver to be knowing and voluntary, a litigant must be “made aware of the dangers and disadvantages of self representation”. Faretta v. California, 422 U.S. 806 (1975). As such, Appellant is hereby advised of the following potential dangers and disadvantages of proceeding pro se on appeal:

- A pro se litigant is expected to abide by the Federal Rules of Appellate Procedure to the same extent as an attorney, with the exception that a pro se litigant may elect to file an informal brief.
- A pro se litigant is expected to comply with all deadlines.
- A pro se litigant will not receive any assistance from court staff regarding the prosecution of the appeal. Court staff members are only permitted to provide litigants with procedural information and cannot answer questions or provide information regarding the law or issues involved in the appeal.
- As a general rule, a pro se litigant will not be granted oral argument.
- Proceeding pro se on appeal can be difficult due to the complexities of appellate law and practice. A litigant may not identify viable issues and arguments due to a lack of legal training. A litigant may lose certain rights or waive issues or arguments if an appeal is not handled correctly.
- In the event an appellant knowingly and voluntarily waives his right to counsel, stand-by counsel will not be provided.

Accordingly, Appellant may elect to either waive counsel and proceed pro se on appeal or accept representation by Mark W. Catanzaro, Esq. Appellant must make his election known to the Clerk by filing the waiver of counsel form or by filing a written statement accepting representation by Mark W. Catanzaro, Esq. within 14 days of the date of this order.

Mark W. Catanzaro, Esq. has been appointed as counsel for Appellant until such time as Appellant informs the Clerk of his choice. In the event Appellant fails to respond to this Order, it will be presumed that Appellant has chosen to be represented by Mark W. Catanzaro, Esq.

For the Court,

s/ Patricia S. Dodszeweit
Clerk

Dated: February 18, 2022

kr/cc: Andrew Tablack
Mark W. Catanzaro, Esq.
Mark E. Coyne, Esq.