

Docket Number: \_\_\_\_\_

**IN THE UNITED STATES SUPREME COURT**

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**Phillip Thomas Green, *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 Sixth Circuit**

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

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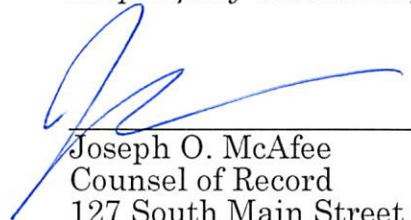
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NOW COMES, the Petitioner, by and through undersigned counsel of record and hereby moves the Court to permit him to proceed *in forma pauperis*. In Support of said Motion, Appellant would show unto the Court as follows:

1. At the Initial Appearance and Arraignment on this matter before the United States District Court for the Eastern District of Tennessee, the District Court found Appellant to be indigent and appointed counsel. The undersigned was appointed to represent the Petitioner upon withdrawal of his original attorney. See Attached Appointment Order.
2. On appeal to the United States Court of Appeals for the Sixth Circuit, the appointment of the undersigned was extended and Petitioner was permitted to proceed *in forma pauperis* in that Court.
3. Since his initial appearance before the District Court on February, 11, 2020, Petitioner has remained incarcerated. (R. 11, Order, Page ID # 19)

Wherefore, Petitioner hereby requests he be permitted by the Court to proceed *in forma pauperis* in all proceedings before the Court.

*Respectfully Submitted,*

A handwritten signature in blue ink, appearing to read 'Joe McAfee', is written over a horizontal line.

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*Attorney for Petitioner*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) |                    |
|                           | ) |                    |
| Plaintiff,                | ) | 2:19-CR-00188-DCLC |
|                           | ) |                    |
| vs.                       | ) |                    |
|                           | ) |                    |
| PHILLIP THOMAS GREEN,     | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |
|                           | ) |                    |

**ORDER**

On March 7, 2022 the Court held an in-person hearing on the motion to withdraw filed by counsel for Defendant, Bryce McKenzie [Doc. 75]. After an *ex parte* discussion on the reasons for the motion, the Court **GRANTED** counsel's motion to withdraw and appointed CJA Panel Attorney Joseph McAfee to represent Defendant going forward.

Mr. McAfee then orally moved to continue the trial in this matter so that he would have time to become familiar with Defendant's case and properly prepare for trial. The Court found Mr. McAfee's motion well taken and granted it. Therefore, the trial, currently set to begin on March 22, 2022 is hereby **CONTINUED** to **June 21, 2022**.

Further, all time between the March 7, 2022 motion hearing and the June 21, 2022 trial date is hereby declared "excludable time" under the Speedy Trial Act. 18 U.S.C. § 3161. Specifically, the ends of justice served by the granting of this continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED:

s/Clifton L. Corker  
United States District Judge