

No. 2024-_____

IN THE SUPREME COURT OF THE UNITED STATES
Term, 2024

JAMES VANDIVERE,

Petitioner,

-v.-

UNITED STATES OF AMERICA,

Respondent.

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*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the District Court for the Eastern Division of North Carolina and the Fourth Circuit Court of Appeals.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and the appointment was made pursuant to the Criminal Justice Act. *See* 18 U.S.C. § 3006A; Order of Appointment Attached.

This the 6th day of May, 2024.

/s/ Sharon L. Smith
Sharon L. Smith
CJA Counsel for Petitioner
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FILED: July 8, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6118
(5:15-hc-02017-D)

UNITED STATES OF AMERICA

Petitioner - Appellee

v.

JAMES DOW VANDIVERE

Respondent - Appellant

O R D E R

The court grants the motion to withdraw as counsel on appeal.

The court appoints Sharon Leigh Smith to represent James Dow Vandivere on appeal. Counsel is referred to the [CJA Payment Memorandum](#) and the [CJA eVoucher Page](#) for information on appointment terms and procedures.

If preparation of transcript is necessary, CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24

request for district judge approval and the CJA 24 voucher for transcript payment.

Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 20 and 21 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this appointment from eVoucher, counsel may create CJA 20 and 21 vouchers for use in maintaining time and expense records and paying for expert services.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material. Any transcripts or record material sent to prior counsel shall be provided by prior counsel to newly appointed counsel. If record items are not available from former counsel, new counsel should contact the Fourth Circuit Appointments Deputy for assistance in obtaining these items.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk