

No. 24-_____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2024

TEVON NGOMBA,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT.

***ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT***

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, pursuant to Supreme Court Rule 39, moves for leave to file the attached Petition for a Writ of Certiorari to the United States Court of Appeals for the First Circuit without payment of fees and to proceed *in forma pauperis*.

The Court of Appeals for the First Circuit granted Petitioner leave to proceed *in forma pauperis* under the Criminal Justice Act of 1964 and appointed counsel to represent him. The order appointing counsel is appended to the page immediately following.

Respectfully submitted,



J. DANIEL SILVERMAN
Attorney for Petitioner
669 Main Street
Wakefield, Massachusetts 01880
(781) 245-9019

Dated: *October 21, 2024*

United States Court of Appeals For the First Circuit

No. 23-1529

UNITED STATES,

Appellee,

v.

TEVON NGOMBA, a/k/a Chow,

Defendant - Appellant.

ORDER OF COURT

Entered: July 28, 2023
Pursuant to 1st Cir. R. 27.0(d)

Appellant's request for appointment of counsel on appeal is granted. Attorney J. Daniel Silverman is appointed as counsel for defendant-appellant under the guidelines of the Criminal Justice Act, 18 U.S.C. § 3006A nunc pro tunc to May 31, 2023.

By the Court:

Maria R. Hamilton, Clerk

cc:

Donald Campbell Lockhart
Kaitlin R. O'Donnell
Fred M. Wyshak III
J. Daniel Silverman
Tevon Ngomba

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARIA R. HAMILTON
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

July 28, 2023

J. Daniel Silverman
669 Main St
Wakefield, MA 01880-0000

Re: US v. Ngomba
No.: 23-1529

Dear Counsel:

Thank you for accepting an appointment under the Criminal Justice Act. Your appearance has been entered on behalf of the above named appellant. If you have not applied for a separate PACER account that provides fee exempt access for CJA work related to this appointment, you should contact the PACER Service Center at 800-676-6856 to acquire one.

The First Circuit Court of Appeals uses an electronic submission and payment system called eVoucher to process vouchers under the Criminal Justice Act (CJA). Please review the [5/25/16 Notice Re: Implementation of eVoucher](#) for further details. Once you have finished the registration process for eVoucher, you will be able to access the CJA 20 and CJA 21 vouchers (or CJA 30 and CJA 31 vouchers) created for this appointment. CJA 24 vouchers will not be processed through eVoucher. Instead, you will continue to file CJA 24 vouchers electronically with a Transcript Report/Order Form through ECF.

As part of your appointment, you were ordered to determine whether all of the transcripts necessary for this appeal have been ordered. Please review both the district court and court of appeals dockets to see what transcripts have already been ordered. The district court docket should also list all of the transcripts that have been produced to date. If further proceedings need to be transcribed or produced, you must file a separate [Transcript Report/Order Form](#) and CJA 24 Voucher for each court reporter. If you determine that all of the transcripts necessary for the appeal have been filed, you must indicate as much in the Transcript Report section of the Transcript Order Form and file it with the court.

The court's website at www.ca1.uscourts.gov contains many important forms and instructions as well as links to the [Federal Rules of Appellate Procedure and First Circuit Local Rules](#) and the [CJA Reference Manual](#). Please visit the website and review the [Criminal Justice](#)

[Act tab](#) for CJA Voucher instructions, important announcements and links to helpful sites. Please also review the [Notice to Court-Appointed Counsel Regarding Requirements for Briefs](#).

A CJA 20 voucher must be submitted no later than 45 days after the final disposition of the case (as defined in the attached Notice Regarding Completion of Representation) and must include a supplemental diary that reflects the hours worked on each date, the time spent both in-court and out-of-court, and a description of the services provided along with a listing of expenses incurred. Please refer to the [CJA Form 20 Instructions](#) and [Local Rule 46.5](#), which is this court's plan for implementing the Criminal Justice Act.

Your service as an appointed attorney under the Criminal Justice Act is appreciated.

Sincerely,

Maria R. Hamilton, Clerk

Enclosures

Case Manager: Gloria - (617) 748-4214

United States Court of Appeals

For the First Circuit

NOTICE TO CJA COUNSEL REGARDING COMPLETION OF REPRESENTATION AND SUBMISSION OF A FINAL VOUCHER

Court-appointed counsel's attention is directed to 1st Cir. R. 46.5(c). If an appeal is denied, counsel must:

- Inform the client of the loss on appeal, the right to petition for a writ of certiorari, and the time period for doing so.
- Prepare and file a petition for a writ of certiorari if there are reasonable grounds to do so and the client requests it.
- If counsel determines that there are no reasonable grounds and declines to file a petition for a writ of certiorari requested by the client, counsel must so inform the Court and request leave to withdraw from the representation by written motion stating that counsel has reviewed the matter and determined that the petition would be frivolous, accompanied by counsel's certification of the date when a copy of the motion was furnished to the client.
- If the client does not wish to apply for certiorari or does not respond to the notification, counsel shall so inform the court by letter.

For more detailed information, counsel should consult 1st Cir. R. 46.5(c). Under all circumstances, counsel should either file a petition for a writ of certiorari or move to withdraw following the procedures set forth in Rule 46.5(c). The 45-day time period for filing a final CJA voucher runs from the filing of the petition or the order allowing the motion to withdraw.

In the event counsel does move to withdraw rather than file a petition for a writ of certiorari, counsel is advised to do so promptly and well in advance of the deadline for filing a petition. The court makes its own determination as to frivolousness before allowing a motion to withdraw. Occasionally, the court denies a motion to withdraw and requires counsel to file a petition.

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PROOF OF SERVICE

I, J. Daniel Silverman, do swear or declare that on this date, the 21st day of October, 2024, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them with first-class postage prepaid, or by delivering to a third-party commercial carrier for delivery within three (3) calendar days.

The names and addresses of those served are as follows:

Elizabeth Barchas Prelogar
Solicitor General of the United States
Room 5614, Department of Justice, 9500 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.



J. Daniel Silverman