

No. 24-_____

IN THE

SUPREME COURT OF THE UNITED STATES

USHERY STEWART,
Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner respectfully requests leave to file the attached petition for 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 United States Court of Appeals for the Sixth Circuit. Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding under the following provision of law: Criminal Justice Act, 18 U.S.C. § 3006A.

A copy of the order of appointment is appended.

Respectfully submitted,



ERIC G. ECKES (CJA Attorney)
Pinales Stachler Young Burrell Co., LPA
455 Delta Ave., Suite 105
Cincinnati, Ohio 45226
(513) 252-2723
eckes@pinalesstachler.com

Counsel for Petitioner

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Deborah S. Hunt

Clerk

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: February 10, 2023

Mr. Eric George Eckes
Pinaleas, Stachler, Young & Burrell
455 Delta Avenue
Suite 105
Cincinnati, OH 45226

Re: Case No. 22-5681, *USA v. Ushery Stewart*
Originating Case No. : 3:19-cr-00151-2

Dear Counsel,

This confirms your appointment to represent the defendant in the above appeal under the Criminal Justice Act, 18 U.S.C. § 3006A.

You must file your appearance form and order transcript within 14 days of this letter. The appearance form and instructions for the transcript order process can be found on this court's website. Please note that transcript ordering in CJA-eligible cases is a two-part process, requiring that you complete both the financing of the transcript (following the district court's procedures) and ordering the transcript (following the court of appeals' docketing procedures). Additional information regarding the special requirements of financing and ordering transcripts in CJA cases can be found on this court's website at <http://www.ca6.uscourts.gov/criminal-justice-act> under "Guidelines for Transcripts in CJA Cases."

Following this letter, you will receive a notice of your appointment in the eVoucher system. That will enable you to log into the eVoucher system and track your time and expenses in that system. To receive payment for your services at the close of the case you will submit your voucher electronically via eVoucher. Instructions for using eVoucher can be found on this court's website. Your voucher must be submitted electronically no later than 45 days after the final disposition of the appeal. *No further notice will be provided that a voucher is due.* Questions regarding your voucher may be directed to the Clerk's Office at 513-564-7041.

Finally, if you become aware that your client has financial resources not previously disclosed or is no longer eligible for appointed counsel under the Criminal Justice Act, please contact the Clerk or Chief Deputy for guidance.

Sincerely yours,

s/Ken Loomis
Administrative Deputy
Direct Dial No. 513-564-7067

cc: Ms. Robin L Baker
Mr. Brian Samuelson
Mr. Ushery Michael Stewart
Ms. LeAnna Wilson