

IN THE  
SUPREME COURT OF THE UNITED STATES

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ASKARI DANSO MS LUMUMBA

F/K/A DALE LEE PUGHSLEY,

PETITIONER,

v.

JEFFREY KISER,

RESPONDENT.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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

Petitioner Askari Danso MS Lumumba, through undersigned appointed counsel, hereby moves for leave to proceed *in forma pauperis* in this Court. Petitioner was given *in forma pauperis* status in the United States Court of Appeals for the Fourth Circuit, which appointed counsel pursuant to the Criminal Justice Act. The relevant orders are attached hereto.

Respectfully submitted,

/s/ J. Scott Ballenger

J. Scott Ballenger  
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# EXHIBITS

FILED: January 25, 2022

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-7512  
(7:20-cv-00379-NKM-JCH)

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ASKARI DANSO MS LUMUMBA, f/k/a Dale Lee Pughsley

Petitioner - Appellant

v.

JEFFREY KISER

Respondent - Appellee

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O R D E R

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The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

OFFICE OF STAFF COUNSEL  
**UNITED STATES COURT OF APPEALS**  
**FOR THE FOURTH CIRCUIT**

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August 31, 2023

Professor Scott Ballenger  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1789

Re: No. 21-7512, *Lumumba v. Kiser*

Dear Professor Ballenger:

Thank you for agreeing to be appointed as counsel on behalf of the appellant in this appeal.

The issue for which a certificate of appealability has been granted is:

POSTCONVICTION: Whether Virginia prison disciplinary code prohibiting inmate from encouraging others to participate in group demonstration is unconstitutional under void-for-vagueness and overbreadth doctrines.

Should you conclude that any other issue or issues would benefit from briefing and oral argument, you may move to expand the certificate of appealability pursuant to Fourth Circuit Local Rule 22.

Because this appointment is made pursuant to the Criminal Justice Act, the maximum authorized compensation is \$9,100 plus expenses. An hourly rate of \$164 applies to both in-court and out-of-court work. Any compensation issues should be addressed to Deputy Clerk Patty Layne at (804) 916-2700.

The case manager assigned to this appeal, Rickie Edwards, will assist you with any procedural inquiries; she also can be reached at (804) 916-2700. Please contact me at (804) 916-2900 for any other assistance.

Professor Scott Ballenger  
August 22, 2023  
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You will be notified as to the briefing schedule promptly after it is established by the Clerk's Office. The electronic record on appeal is available on PACER. Your appointment to this case as a member of this Court's Discretionary Panel authorizes you to obtain and use a fee exempt CJA Panel Attorney account to provide representation in this case.

We appreciate your assistance to the Court in accepting this appointment.

Very truly yours,

*Melissa L. Wood*

Melissa L. Wood  
Senior Staff Counsel

MLW/kmb

cc: Askari Danso MS Lumumba  
Richard Carson Vorhis, Senior Assistant Attorney General