

NO. \_\_\_\_\_

**IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA**

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<b>KEITH TODD ASHLEY,</b>	§
	§
<b>Petitioner,</b>	§
	§
<b>vs.</b>	§
	§
	§
<b>UNITED STATES OF AMERICA,</b>	§
<b>Respondent.</b>	§

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**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 for the following reasons:

The Petitioner has previously been granted leave to proceed in forma pauperis in both the District Court of the Eastern District of Texas and the Fifth Circuit Court of Appeals. Petitioner's

affidavit or declaration is not attached because the court below appointed counsel in the current proceeding and a copy of the order of appointment is appended.

Respectfully submitted,

/s/ James P. Whalen

James P. Whalen

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**CJA COUNSEL OF RECORD FOR  
KEITH TODD ASHLEY**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**KEITH ASHLEY**

§  
§  
§  
§  
§

**CASE NO.: 4:20-CR-318 ALM/KPJ**

**ORDER**

The Court having considered the Unopposed Motion to Withdraw as Counsel and to Appoint New Counsel (Dkt. 16), the motion is hereby **GRANTED**.

It is therefore **ORDERED** that Dan Cogdell is removed as attorney of record and pursuant to the Criminal Justice Act (18 U.S.C. § 3006A), this Court appoints James Whalen, a member of the Criminal Justice Act Panel of this District, to represent Defendant.

**So ORDERED and SIGNED this 3rd day of December, 2020.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE