

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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MALIK MOSS  
Petitioner

v.

UNITED STATES OF AMERICA  
Respondent.

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

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Pursuant to Rule 39 of the Rules of the Supreme Court, Malik Moss requests leave to file the attached Petition for Writ of Certiorari without prepayment of costs and further requests to proceed *in forma pauperis*. Mr. Moss has been found to be indigent and was appointed Counsel pursuant to the Criminal Justice Act by the United States Circuit Court of Appeals for the Third Circuit as well as the United States District Court for the District of Delaware. Throughout Mr. Moss' proceedings in the Delaware District Court and the United States Court of Appeals for the Third Circuit he has not been required to pay any filing fees or costs due to the Delaware District Court's finding of indigence. Mr. Moss continues to be indigent and unable to earn monies to provide for private counsel or to pay filing fees or costs due to his current sentence of incarceration.

Attached as Exhibit A to this Motion for Leave to Proceed *in Forma Pauperis* is a copy of

the United States Circuit Court of Appeals for the Third Circuit's order appointing Mr. Moss counsel under the Criminal Justice Act on November 17, 2023. Attached as Exhibit B to this Motion is a partial copy of the United States District Court for the District of Delaware's docket report showing an oral order appointing Mr. Moss Counsel under the Criminal Justice Act on December 14, 2021.

WHEREFORE, it is requested that the Motion for Leave to Proceed *In Forma Pauperis* be GRANTED.

Date: May 19, 2025

Respectfully submitted,



Daniel C. Breslin, Esq. (#317925)  
Associate Attorney  
Law Office of Christopher S. Koyste, LLC  
709 Brandywine Boulevard  
Wilmington, Delaware 19809  
(302) 762-5195  
Counsel of Record for Petitioner  
Malik Moss

# **EXHIBIT A**

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. 23-3059

**USA v. Malik Moss**

(U.S. District Court No. 1-22-cr-00024-001)

**ORDER REGARDING APPOINTMENT OF COUNSEL**

Daniel C. Breslin, Esq. is hereby appointed to represent Malik J. Moss on appeal. The appointment will be created in the Court's eVoucher program. Counsel is directed to the eVoucher page for information regarding the appointment terms and procedures.

CJA 20, 30, 21 and 31 vouchers are submitted for payment through the Court's eVoucher program. Upon receiving separate email notification of this appointment from the Court's CJA staff, counsel may create CJA 20, 30, 21 and 31 vouchers for use in maintaining time and expense records and paying for expert services.

For the Court,

s/ Patricia S. Dodszuweit

Clerk

Dated: November 17, 2023

SB/cc: Daniel C. Breslin, Esq.

Alexander P. Ibrahim, Esq.

# **EXHIBIT B**

**S. District Court**  
**District of Delaware (Wilmington)**  
**CRIMINAL DOCKET FOR CASE #: 1:22-cr-00024-CFC-1**

Case title: USA v. Moss et al

Date Filed: 03/10/2022

Magistrate judge case number: 1:21-mj-00342-UNA

Date Terminated: 11/03/2023

Assigned to: Judge Colm F. Connolly

**Defendant (1)**

**Malik J Moss**

*TERMINATED: 11/03/2023*

*also known as*

Bleek

*TERMINATED: 11/03/2023*

represented by **Daniel C. Breslin**

Law Office of Christopher S. Koyste, LLC

709 Brandywine Boulevard

Wilmington, DE 19809

Email: dbreslin@koyste.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Designation: CJA Appointment**

**Pending Counts**

21:846 - CONSPIRACY TO DISTRIBUTE  
 500 GRAMS OR MORE OF  
 METHAMPHETAMINE IN VIOLATION  
 OF 21:841(a)(1),(b)(1)(A) ; CONSPIRACY  
 TO DISTRIBUTE HEROIN AND  
 FENTANYL IN VIOLATION OF 21:841(a)  
 (1),(b)(1)(C) -( COUNT I - 10/1/21 THRU  
 12/14/21 )  
 (1)

**Disposition**

IMPRISONMENT: 384 MONTHS;  
 SUPERVISED RELEASE: 60 MONTHS;  
 FINE: WAIVED; SPECIAL  
 ASSESSMENT: \$100

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

21:846,841(a)(1), (b)(1)(C)- CONSPIRACY  
 TO DISTRIBUTE METHAMPHETAMINE  
 AND HEROIN

**Disposition**

**Plaintiff****USA**

represented by **Alexander Ibrahim**  
 U.S. Attorney's Office  
 Hercules Building  
 1313 N. Market Street  
 P.O. Box 2046  
 Wilmington, DE 19801  
 (302) 573-6277  
 Fax: (302) 573-6211  
 Email: alexander.ibrahim@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Ruth Mandelbaum**  
 U.S. Attorney's Office  
 Hercules Building  
 1313 N. Market Street  
 P.O. Box 2046  
 Wilmington, DE 19801  
 (302) 573-6277  
 Fax: (302) 673-6220  
 Email: Ruth.Mandelbaum@usdoj.gov  
**TERMINATED: 04/10/2023**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
12/13/2021	<u>1</u>	MOTION to Seal the Case File by USA as to Malik J Moss. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/13/2021		SO ORDERED as to Malik J Moss granting <u>1</u> MOTION to Seal the Case File filed by USA. Signed by Judge Sherry R. Fallon on 12/13/2021. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/13/2021	<u>2</u>	CRIMINAL COMPLAINT by DEA Agent, sworn to before Judge Sherry R. Fallon as to Malik J Moss (1). (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021		Arrest of Malik J Moss (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021		Minute Entry for proceedings held before Judge Sherry R. Fallon - Initial Appearance as to Malik J Moss held via video conference from Courtroom# 6C on 12/14/2021. Defendant was present without counsel ( CJA counsel to be appointed at a later time ); Deft. orally consented to proceed via video; Court advised counsel of their Brady obligations under Rule 5(f); Govt. filed a Motion For A Detention Hearing; Govt. filed a motion to unseal case file; GRANTED; Deft ordered detained pending preliminary and detention hearing set for 12/22/2021 at 12:00 PM. ATTENDEES: AUSA -C. Howland, Esq.; USPO - A. Ramirez; CLERK - Hicks. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)

12/14/2021		ORAL ORDER appointing Daniel C. Breslin for Malik J Moss until further Order of the Court. The CJA representation type is Criminal Case. Signed by Judge Sherry R. Fallon on 12/14/2021. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021	3	MOTION to Unseal the Case File by USA as to Malik J Moss. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021	4	ORDER pursuant to Fed. R. Crim. P. 5(f) as to Malik J Moss. Signed by Judge Sherry R. Fallon on 12/14/2021. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021	5	MOTION to Detain Pending Trial by USA as to Malik J Moss. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021	6	ORDER OF TEMPORARY DETENTION as to Malik J Moss. A Detention Hearing is set for 12/22/2021 at 12:00 PM in Courtroom 2A before Judge Christopher J. Burke. Signed by Judge Sherry R. Fallon on 12/14/2021. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/14/2021		Set Hearings as to Malik J Moss: A Preliminary Hearing is set for 12/22/2021 at 12:00 PM in Courtroom 2A before Judge Christopher J. Burke. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/15/2021		SO ORDERED as to Malik J Moss granting 3 MOTION to Unseal the Case File filed by USA. Signed by Judge Sherry R. Fallon on 12/15/2021. (lih) [1:21-mj-00342-UNA] (Entered: 12/16/2021)
12/17/2021	7	NOTICE OF ATTORNEY APPEARANCE: Ruth Mandelbaum appearing for USA. (Mandelbaum, Ruth) [1:21-mj-00342-UNA] (Entered: 12/17/2021)
12/21/2021	8	MOTION for Protective Order <i>Governing Discovery (Unopposed)</i> by USA as to Malik J Moss. (Ibrahim, Alexander) [1:21-mj-00342-UNA] (Entered: 12/21/2021)
12/21/2021	9	PROTECTIVE ORDER as to Malik J Moss re 8 Unopposed Motion for Protective Order Governing Discovery filed by USA. Signed by Judge Christopher J. Burke on 12/21/2021. (ceg) [1:21-mj-00342-UNA] (Entered: 12/21/2021)
12/22/2021		Minute Entry for proceedings held before Judge Christopher J. Burke - Preliminary Hearing as to Malik J Moss held on 12/22/2021 in courtroom 2A. Defendant was present with counsel. Government and Defendant presented argument regarding probable cause. Probable Cause found. Defendant shall await further action by the Court. ATTENDEES: AUSA - A. Ibrahim, Esq.; DEFT - D. Breslin, Esq.; USPO - J. Sanchez; CLERK - Garfinkel. (ceg) [1:21-mj-00342-UNA] (Entered: 12/22/2021)
12/22/2021	10	ORDER of Probable Cause as to Malik J Moss: Defendant is ordered to await further action by the Court. Signed by Judge Christopher J. Burke on 12/22/2021. (ceg) [1:21-mj-00342-UNA] (Entered: 12/22/2021)
12/22/2021	11	EXHIBIT AND WITNESS LIST by USA as to Malik J Moss (Attachments: # 1 Govt. Exhibit 1)(ceg) [1:21-mj-00342-UNA] (Entered: 12/22/2021)
12/22/2021		Minute Entry for proceedings held before Judge Christopher J. Burke - Detention Hearing as to Malik J Moss held on 12/22/2021 in courtroom 2A. Defendant was present with counsel. Government and Defendant presented argument regarding detention. Government's Motion for Detention is GRANTED. Defendant ordered detained pending trial. ATTENDEES: AUSA - A. Ibrahim, Esq.; DEFT - D. Breslin, Esq.; USPO - J. Sanchez; CLERK - Garfinkel. (ceg) [1:21-mj-00342-UNA] (Entered: 12/22/2021)
12/22/2021	12	ORAL ORDER as to Malik J Moss GRANTING 5 Motion to Detain Pending Trial filed by USA (*a written order will follow). Issued by Judge Christopher J. Burke on