

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

FRANZ P. CANNET,
Petitioner,

versus

UNITED STATES OF AMERICA,
Respondent.

_____/

MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner Franz P. Cannet, through counsel previously appointed for appellate representation through the Criminal Justice Act, pursuant to Rule 39 of the Supreme Court Rules, moves this Court for leave to proceed with the present petition *in forma pauperis*, and states:

1. Franz P. Cannet has been incarcerated continuously since his convictions for drug and firearms offenses. Following sentencing on October 17, 2016, the U.S. District Court declared petitioner indigent and granted leave for him to proceed *in forma pauperis* on appeal, appointing appellate counsel pursuant to the Criminal Justice Act (18 U.S.C. §3006A) on November 3, 2016. Pursuant to Supreme Court Rule 29.1, a copy of the order appointing counsel for appellate purposes is appended to this

motion.

2. The U.S. Court of Appeals for the Eleventh Circuit affirmed petitioner's convictions and sentence on August 31, 2017. *United States v. Cannet*, Case No. 16-16801 (11th Cir. 2017). Mandate issued on October 14, 2017.

3. Petitioner Cannet remains incarcerated and indigent through the filing of his petition for writ of certiorari.

4. Undersigned counsel received the appointment to provide appellate representation to petitioner on November 22, 2016, and continues to represent petitioner through this certiorari petition. Because his financial circumstances remain the same as when he received the appointment of counsel pursuant to the Criminal Justice Act, he should be permitted to proceed *in forma pauperis* for certiorari proceedings in this Court.

5. For these reasons, petitioner asks this Court to grant him leave to proceed on petition for writ of certiorari *in forma pauperis*, waive the filing fee, waive the requirement for 40 printed copies of the petition, and accept the ten typewritten copies of the petition with this motion.

Dated: November 29, 2017

Respectfully submitted,

s/ Benedict P. Kuehne

BENEDICT P. KUEHNE

Counsel of Record

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

November 22, 2016

Benedict P. Kuehne
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MIAMI, FL 33131

Appeal Number: 16-16801-B
Case Style: USA v. Franz Cannel
District Court Docket No: 0:15-cr-60117-DTKH-1

Party To Be Represented: Franz Cannel

Dear Counsel:

We are pleased to advise that you have been appointed to represent on appeal the indigent litigant named above. This work is comparable to work performed pro bono publico. The fee you will receive likely will be less than your customary one due to limitations on the hourly rate of compensation contained in the Criminal Justice Act (18 U.S.C. § 3006A), and consideration of the factors contained in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Supporting documentation and a link to the CJA eVoucher application are available on the internet at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. **For questions concerning CJA eVoucher please contact our CJA Team by email at cja_evoucher@ca11.uscourts.gov or phone 404-335-6167.** For all other questions, please call the "Reply To" number shown below.

FRAP 26.1 and the accompanying circuit rules on the Certificate of Interested Persons and Corporate Disclosure Statement (CIP) provide that: (1) every party and amicus curiae must include a CIP within every motion, petition, brief, answer, response, and reply filed; (2) in addition, appellants and petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; and (3) within 14 days after the filing of the appellants' and petitioners' CIP, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a notice either indicating that the CIP is correct and complete, or adding any interested persons or entities omitted from the CIP.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at the [Web-Based CIP](#) link on the court's website. Pro se

filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Your claim for compensation under the Act should be submitted within 60 days after issuance of mandate or filing of a certiorari petition. We request that you enclose with your completed CJA Voucher one additional copy of each brief, petition for rehearing, and certiorari petition which you have filed. Please ensure that your voucher includes a detailed description of the work you performed. Thank you for accepting this appointment under the Criminal Justice Act.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

CJA-1 Appointment of Counsel Letter