

No. 21-679 (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

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Tim Shoop, Warden

Petitioner

v.

August Cassano,

Respondent.

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

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No execution date is presently scheduled.

**Deborah L. Williams**

Federal Public Defender, by:

**Erin G. Barnhart (OH 0079681)**

*Counsel of Record*

**Adam M. Rusnak (OH 0068693)**

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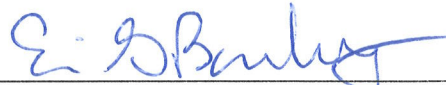
Respondent August Cassano, pursuant to Sup Ct. R. 39.1, respectfully moves for leave to file the accompanying brief in opposition to the Petitioner's petition for writ of certiorari in the Supreme Court of the United States without payment of costs and to proceed in forma pauperis.

Respondent was previously found financially unable to obtain counsel. The court of appeals appointed undersigned counsel as substitute counsel for prior counsel, who had been appointed by the United States District Court under former 21 U.S.C. 848, now 18 U.S.C. 3599. Therefore, in reliance upon Rule 39.1 and 18 U.S.C. § 3599(e), Cassano has not attached the affidavit which would otherwise be required by 28 U.S.C. § 1746.

Respectfully submitted,

**Deborah L. Williams**  
Federal Public Defender,

by



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**Erin G. Barnhart (OH 0079681)**  
*Counsel of Record*

**Adam M. Rusnak (OH 0068693)**  
*Co-counsel*

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