

In the Supreme Court of the United States

MARK E. PULSIFER, PETITIONER

v.

UNITED STATES

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

**MOTION TO PROCEED HEREINAFTER *IN FORMA PAUPERIS*
AND FOR APPOINTMENT OF COUNSEL UNDER THE
CRIMINAL JUSTICE ACT**

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Counsel for Petitioner

July 19, 2023

**MOTION TO PROCEED HEREINAFTER *IN FORMA PAUPERIS*
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CRIMINAL JUSTICE ACT**

Petitioner Mark E. Pulsifer respectfully asks the Court to allow him to proceed hereinafter *in forma pauperis* and to appoint co-counsel J. Robert Black under the Criminal Justice Act of 1964, 18 U. S. C. § 3006A (CJA). Pursuant to Supreme Court Rules 39.1 and 39.7, Mr. Pulsifer requests to proceed *in forma pauperis* so that Mr. Black, who represented him as CJA-appointed counsel in the lower courts, may seek appointment to continue representing Mr. Pulsifer before this Court, along with reimbursement for fees and expenses under the CJA.

Mr. Black, who has been a member of the bar of this Court since June 26, 2023, was appointed by the United States District Court for the Southern District of Iowa and the United States Court of Appeals for the Eighth Circuit, under the CJA, to represent Petitioner before those courts. Mr. Black's Eighth Circuit CJA appointment ended when the petition for writ of certiorari was granted by this Court. Mr. Black has represented Petitioner for almost 2.5 years.

After the Eighth Circuit's decision, Skadden, Arps, Slate, Meagher & Flom LLP began representing Mr. Pulsifer before this Court as pro bono counsel. Mr. Black has worked alongside Shay Dvoretzky (Counsel of Record), Parker Rider-Longmaid, Kyser Blakely, and the Skadden team to seek certiorari and brief the case on the merits. Skadden represents Mr. Pulsifer strictly as pro bono counsel and has not sought—and will not seek—compensation for attorneys' fees under the CJA.

Mr. Black will continue assisting the Skadden team with the merits briefing and oral argument preparation. Mr. Black also plans to attend oral argument and sit

at counsel table to assist Mr. Dvoretzky, who will argue the case, and the rest of the Skadden team.

Counsel understands that to permit Mr. Black to seek reimbursement for fees in connection with his representation of Mr. Pulsifer before this Court, the case must proceed *in forma pauperis* and the Court must appoint Mr. Black as co-counsel under the CJA and issue him a voucher. Mr. Pulsifer therefore respectfully seeks the appointment of Mr. Black, effective February 27, 2023, when this Court granted Mr. Pulsifer's petition for a writ of certiorari.

For the foregoing reasons, Mr. Pulsifer requests the Court to allow this case to proceed *in forma pauperis* and to appoint Mr. Black as co-counsel under the CJA.

Respectfully submitted,

/s/ Shay Dvoretzky

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