

24-6965  
No. \_\_\_\_\_

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

**ROCCO MALANGA,**

Petitioner, v.

**ORIGINAL**

**FILED  
MAR 26 2025**

**OFFICE OF THE CLERK  
SUPREME COURT, U.S.**

**UNITED STATES OF AMERICA,**

Respondent.

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

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Rocco Americo Malanga

Pro Se Petitioner

5753 Highway 85N PMB 4941

Crestview, Florida 32536

407.906.7188

**RECEIVED**

**APR - 2 2025**

**OFFICE OF THE CLERK  
SUPREME COURT, U.S.**

**TO THE HONORABLE SUPREME COURT OF THE UNITED STATES:**

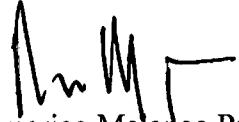
Petitioner, Rocco Americo Malanga, respectfully moves for leave to proceed in forma pauperis pursuant to Rule 39 of the Rules of the Supreme Court of the United States and 28 U.S.C. § 1915, and states as follows:

1. Petitioner seeks to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in United States v. Malanga, No. 23-1602.
2. Petitioner was previously appointed counsel under the Criminal Justice Act (CJA), recognizing his indigency in the proceedings before the United States Court of Appeals for the Third Circuit. A copy of the order appointing counsel is attached as Exhibit A.
3. While CJA appointment does not automatically confer in forma pauperis status before this Court, it serves as compelling evidence of Petitioner's financial inability to pay filing fees.
4. Petitioner remains indigent and unable to pay the fees and costs associated with filing this petition.
5. Petitioner respectfully requests that this Court grant this motion and permit him to file his petition without prepayment of filing fees and other costs.

## **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that this Court grant leave to proceed in forma pauperis and accept the accompanying petition for a writ of certiorari without the payment of docketing fees.

Respectfully submitted,



Rocco Americo Malanga Pro Se Petitioner

5753 Highway 85N PMB 4941

Crestview, Florida 32536

[rocco.malanga@icloud.com](mailto:rocco.malanga@icloud.com)

P: 407-906-7188

Dated: March 26, 2025

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT  
FCO-015

No. 23-1602

UNITED STATES OF AMERICA

v.

ROCCO AMERICO MALANGA,  
Appellant

(D.N.J. No. 2-22-cr-00438-001)

Present: NYGAARD, Circuit Judge

1. CJA Form 23 Financial Affidavit from Appellant treated as Motion for Appointment of Counsel under the provisions of the Criminal Justice Act.

Respectfully,  
Clerk/nmb

ORDER

The foregoing motion is granted. Counsel shall be appointed under the provisions of the Criminal Justice Act.

By the Court,

s/ Richard L. Nygaard  
Circuit Judge

Dated: June 9, 2023  
JK/cc: Rocco Americo Malanga  
Edward J. Dauber, Esq.  
Mark E. Coyne, Esq.  
Jeremy R. Sanders, Esq.

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

**No. 23-1602**

**USA v. Rocco Malanga**

**(U.S. District Court No. 2-22-cr-00438-001)**

**ORDER REGARDING APPOINTMENT OF COUNSEL**

Edward J. Dauber, Esq. is hereby appointed to represent Rocco Americo Malanga 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.

Counsel is required to electronically file an appearance form, criminal information statement in direct criminal appeals or civil information statement for habeas appeals, and transcript purchase order form within **fourteen (14) days of the date of this order**. The transcript purchase order form must be completed and filed even if transcripts are not required. Failure to electronically file any of these forms by the due date will result in the issuance of an order to Show Cause without further notice.

**Authorization for preparation of transcripts must be obtained in the District Court.** Deadlines for ordering and filing the transcripts will be set by this Court. Counsel is required to file the transcript purchase order in this Court and should indicate in Part 1B of the form that the "CJA form submitted to District Court Judge". The Clerk's Office will notify the District Court CJA personnel that counsel has been appointed. Counsel should contact the District Court regarding the creation of the appointment in that Court's eVoucher system. Counsel must then complete the transcript request by filing an "Auth-24" request in the District Court's eVoucher program. Financial arrangements for the transcripts will not be considered complete until counsel has submitted an "Auth-24" request through the District Court's eVoucher program.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: June 09, 2023  
JK/cc: Mark E. Coyne, Esq.  
Edward J. Dauber, Esq.  
Rocco Americo Malanga,  
Jeremy R. Sanders, Esq.