

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

KINGSLEY ITA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

MOTION TO PROCEED IN FORMA PAUPERIS

DENTON B. LESSMAN
Counsel of Record
100 N. 6th Street, Suite 804
Waco, Texas 76701
(254) 776-4544
Denny@LessmanLaw.com
Counsel for Petitioner

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

To The Honorable Chief Justice and Justices of the Court:

Petitioner Kingsley Ita, through undersigned counsel, respectfully moves this Court for leave to proceed in forma pauperis pursuant to Supreme Court Rule 39 and 28 U.S.C. § 1915. In support of this motion, Petitioner states as follows:

1. Petitioner is indigent and unable to pay the costs of this proceeding.
2. Petitioner was represented by the Federal Public Defender in the United States District Court for the Eastern District of Texas. The Federal Public Defender was appointed to represent Petitioner pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, based on the district court's finding that Petitioner was financially unable to obtain adequate representation. (See Attachment A)
3. On appeal to the United States Court of Appeals for the Fifth Circuit, undersigned counsel was appointed to represent Petitioner pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A. A copy of the Fifth Circuit's order of appointment is attached hereto as Attachment B.
4. Pursuant to Supreme Court Rule 39.1, because the court below appointed counsel for an indigent party, no affidavit or declaration is required. This motion cites the provision of law under which counsel was appointed: the Criminal Justice Act of 1964, 18 U.S.C. § 3006A.
5. Leave to proceed in forma pauperis was granted in both the United States District Court for the Eastern District of Texas and the United States Court of Appeals for the Fifth Circuit.

6. The accompanying Petition for a Writ of Certiorari is prepared in conformity with Rule 33.2, as permitted for parties proceeding in forma pauperis under Rule 39.3.

WHEREFORE, Petitioner respectfully requests that this Court grant leave to proceed in forma pauperis.

Respectfully submitted,

DENTON B. LESSMAN
Counsel of Record
100 N. 6th Street, Suite 804
Waco, Texas 76701
(254) 776-4544
Denny@LessmanLaw.com
Counsel for Petitioner

December 4, 2025

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§
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CASE NUMBER 4:21-CR-00253

v.

KINGSLEY ITA (1)

ORDER

Based on a signed Financial Affidavit provided by Defendant, the Federal Public Defender is appointed to represent Defendant in the above-designated case.

Defendant has been deemed able to contribute to his defense and is directed that such funds in the amount of \$155.00 be paid by Defendant per Court appearance in this District. To pay by phone using debit or credit card, call the Beaumont Division Office at 409-654-7000. Please have the case number and the name of the party available. To pay by personal check or money order, please mail to:

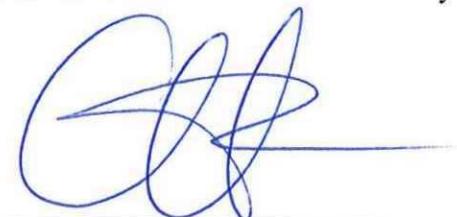
United States District Court
211 West Ferguson
Room 106
Tyler, Texas 75702

Please include the case number and the name of the Party on all payments.

This appointment shall remain in effect until terminated or a substitute attorney is appointed.

IT IS SO ORDERED.

Signed September 23, 2021.



CHRISTINE A. NOWAK
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§
§
§
§

VS.

CASE NUMBER 4:21-CR-253

KINGSLEY ITA

§

ORDER GRANTING APPOINTMENT OF APPEAL COUNSEL

On this day, came on to be considered the Defendant's *Pro Se* Motion to Appoint Counsel for Appeal (Dkt. #1459). After having reviewed the pleadings, the Court is of the opinion that the Motion should be and are hereby **GRANTED**.

On June 20, 2024, the Defendant was sentenced by the undersigned to 120 months imprisonment, 2 years of supervised release with special and mandatory conditions. Defendant's counsel filed a Notice of Appeal on June 27, 2024 (Dkt. #1376). It is therefore,

ORDERED that Denton Lessman is hereby substituted as attorney of record for purposes of appeal in the above styled and numbered cause and Douglas Schopmeyer is permitted to withdraw.

IT IS SO ORDERED.

SIGNED this 22nd day of August, 2024.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

**LYLE W. CAYCE
CLERK**

**TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130**

September 16, 2024

Mr. Denton Bryan Lessman
Law Office of Denton Lessman
100 N. 6th Street
Suite 804
Waco, TX 76701-0000

No. 24-40444 USA v. Ita
USDC No. 4:21-CR-253-1

Dear Mr. Lessman,

We have received the District Court order appointing you as counsel under the Criminal Justice Act. Information regarding your compensation and expense voucher will be provided separately. You must complete the voucher when the appeal concludes. You can obtain a copy of our Plan for Representation on Appeal Under the Criminal Justice Act, listing the duties and responsibilities of court-appointed counsel from the Fifth Circuit's website "<http://www.lb5.uscourts.gov/cja/cjaDocs/cja.pdf>".

Please carefully read and within 15 days from this date comply with the applicable instructions stated below.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U.S. District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Rebecca L. Leto, Deputy Clerk
504-310-7703

cc w/encl:

Ms. Heather Harris Rattan
Mr. Douglas Hugh Schopmeyer I
Mr. Bradley Elliot Visosky

P.S. to Mr. Lessman: As transcripts are already on file and the electronic record on appeal requested, briefing notice will issue upon filing of the original and supplemental record on appeal.