

No. \_\_\_\_\_

IN THE  
**Supreme Court of the United States**

---

MARCELLUS M. CHEATHAM,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

---

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

---

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

---

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

The petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts:

- (1) U.S. District Court for the Eastern District of Virginia, Case No. 3:24-cr-00128-REP-1, by oral order entered September 9, 2024; and
- (2) U.S. Court of Appeals for the Fourth Circuit, Case No. 25-4153, by written order dated March 21, 2025.

Because appellate counsel was appointed pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, no affidavit or declaration of the petitioner is attached.

*See* S. Ct. R. 39.1.

---

Respectfully submitted,



---

Patrick L. Bryant

*Counsel of Record*

Assistant Federal Public Defender  
Office of the Federal Public Defender  
for the Eastern District of Virginia

1650 King Street, Suite 500

Alexandria, VA 22314

(703) 600-0800

Patrick\_Bryant@fd.org

February 18, 2026