

SUPREME COURT
OF THE
UNITED STATES OF AMERICA
CASE NO. _____

STEVEN TILDEN FELLMY

PETITIONER

V.

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

UNITED STATES OF AMERICA

DEFENDANT

Comes the Petitioner, Steven Tilden Fellmy, by counsel, and respectfully requests that he be permitted to proceed in this matter *in forma pauperis*.

In support of this motion, Petitioner states that under the Criminal Justice Act of 1964, the undersigned attorney was appointed to represent Petitioner's interests the both the District Court for the Eastern District of Kentucky and United States Court of Appeals for the Sixth Circuit. The Order from the United States District Court for the Eastern District of Kentucky showing the undersigned's appointment is attached hereto and incorporated herein. Lastly, petitioner states that leave to proceed *in forma pauperis* was also continued in the Sixth Circuit Court of Appeals pursuant to Sixth Circuit Local Rule 12(c).

Respectfully submitted,

s/ Jeffrey C. Rager
Jeffrey C. Rager
Rager Law Firm
201 West Short Street, Suite 820
(859) 963-2929
Counsel for Steven T. Fellmy

CERTIFICATE OF SERVICE

I, Jeffrey C. Rager, attorney for the petitioner, Steven T. Fellmy, hereby certify that the original and ten copies of this Petition for Writ of Certiorari were mailed to the Office of the Clerk, Supreme Court of the United States, One 1st Street NE Washington, DC 20543; and that a true copy of the foregoing Petition was served by mail with first-class postage prepaid, upon the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001; Charles P. Wisdom, United States Attorney's Office for Eastern District of Kentucky, 260 West Vine Street, Suite 300, Lexington, KY 40507; Steven T. Fellmy, FMC Lexington, P.O. Box 14500, Lexington, KY 40512 by first class mail on this the 6th day of March, 2026.

s/ Jeffrey C. Rager
Jeffrey C. Rager

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CRIMINAL MINUTES – ARRAIGNMENT AND PLEA

Lexington Case No. 24-6-KKC-MAS-1 At Lexington Date September 6, 2024

USA vs Steven Tilden Fellmy x present x custody bond OR Age

DOCKET ENTRY: The Court conducted Defendant’s initial appearance, arraigned him, and advised him of his constitutional rights, the pending charges, and the possible penalties. United States Probation Officer Chad Moss was also present. The United States orally moved for pretrial detention pursuant to 18 U.S.C. § 3142(f)(1)(B) & (C). Defendant, before the Court on a writ, elected to defer his right to a detention hearing in this matter pending resolution of the other charges against him. See *United States v. Coonan*, 826 F.2d 1180 (2d Cir. 1987). The Court DIRECTS the Clerk to administratively terminate the pending detention motion during the deferral period as a matter of docket management. The substantive relief request (for a detention determination in this case) remains pending. Upon resolution of the writ, Defendant SHALL file a motion so advising and requesting a detention hearing. The Court will promptly schedule one at that time.

Pursuant to the Due Process Protections Act, the court reminds the government of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances. Consistent with the Due Process Protections Act, the Court orally confirmed this disclosure obligation on the record and issues this written order stating the same.

PRESENT: HON. MATTHEW A. STINNETT, UNITED STATES MAGISTRATE JUDGE

<u>Samantha Howard</u> Deputy Clerk	<u>Audio File</u> Court Reporter	<u>None</u> Interpreter	<u>Brittany Baker</u> Assistant U.S. Attorney
Counsel for Defendant	<u>Jeffrey Rager</u>	<u>x</u> present <u> </u> retained	<u>x</u> appointed

I, Samantha Howard, Deputy Clerk, CERTIFY the official record of this proceeding is an audio file KYED-LEX__5-24-cr-6-KKC-MAS_20240906_100223

PROCEEDINGS: INITIAL APPEARANCE AND ARRAIGNMENT

- X Copy of Indictment given to the defendant.
- X Defendant states true name is as stated on the indictment.
- X Defendant advised the Court that he/she will retain counsel.
- X Defendant request that the Court appoint counsel.
- X Financial Affidavit executed & filed.
- X Court FINDS defendant qualifies for Court Appointed Counsel under provision of CJA.
- X Ordered Jeffrey Rager appointed Attorney under the CJA.
- X Defendant advised of Constitutional Rights.
- X Defendant advised of the nature of charges and possible penalties.
- X Defendant waives formal arraignment.
- X Defendant waives reading of Indictment - Information. Indictment - Information read.
- X Defendant pleads Guilty to Counts x Not guilty to Counts ALL
- X Assigned for **Detention Hearing** on before Magistrate Judge Matthew A. Stinnett
- X PRETRIAL MOTIONS are to be filed pursuant to the Court’s pretrial order to be entered.
- X Assigned for **JURY TRIAL** on November 12, 2024, at 1:00 p.m. in Lexington before Judge Caldwell; counsel to be present at 12:30 p.m.
- X Number of days expected for trial 3.
- X The Court covered standard collateral consequences and notification rights tied to non-citizen status.
- X United States advised no victims requested to be heard as part of proceeding
- X Defendant to remain on bond, conditions of release.
- X Defendant remanded to custody of the USM.
- X USPO to circulate Pretrial Services Report (PSR) to counsel. Counsel may retain PSR while detention issues pend but may not copy of disseminate the report to any person (except defense counsel can share content with Defendant).

Copies: COR, USP, USM, D, JC Initials of Deputy Clerk: slh TIC: /9



Matthew A. Stinnett
MATTHEW A. STINNETT
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF KENTUCKY