

CASE NO.

IN THE SUPREME COURT OF THE UNITED STATES

PEDRO JOSE SILVA OCHOA,
Petitioner,

versus

UNITED STATES OF AMERICA,
Respondent.

_____/

AMENDED MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner Pedro Jose Silva Ochoa, through counsel previously appointed for appellate representation through the Criminal Justice Act, pursuant to Rule 39 of the Supreme Court Rules, moves this Court for leave to proceed with the present petition *in forma pauperis*, and states:

1. Pedro Jose Silva Ochoa has been incarcerated continuously since his arrest and conviction for conspiracy to kidnap an internationally protected person. Silva Ochoa was determined to be indigent for trial and appeal, and received the appointment of counsel for appeal pursuant to the Criminal Justice Act (18 U.S.C. §3006A) on June 10, 2025. Pursuant to Supreme Court Rule 29.1, a copy of the order appointing counsel for appellate purposes is appended to this motion.

2. The U.S. Court of Appeals for the Eleventh Circuit dismissed the

appeal from petitioner's conviction and sentence on February 23, 2026. *United States v. Silva Ochoa*, No. 25-10901, 2026 WL 493804 (11th Cir. Feb. 23, 2026) (dismissing appeal based on appeal waiver). The Eleventh Circuit issued mandate on March 25, 2026.

3. Petitioner remains incarcerated and indigent through the filing of his petition for writ of certiorari.

4. Undersigned counsel received an appointment pursuant to the Criminal Justice Act to provide appellate representation to petitioner and continues to represent petitioner through this certiorari petition. Because his financial circumstances remain the same as when he received the appointment of counsel pursuant to the Criminal Justice Act, he should be permitted to proceed *in forma pauperis* for certiorari proceedings in this Court.

5. For these reasons, petitioner asks this Court to grant him leave to proceed on petition for writ of certiorari *in forma pauperis*, waive the filing fee, waive the requirement for 40 printed copies of the petition, and accept the ten typewritten copies of the petition with this motion.

Dated: June 2, 2026.

Respectfully submitted,

Sl/ Benedict P. Kuehne
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ATTACHMENTS

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

June 10, 2025

Benedict P. Kuehne
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100 SE 2ND ST STE 3650
MIAMI, FL 33131

Appeal Number: 25-10901-H
Case Style: USA v. Pedro Silva Ochoa
District Court Docket No: 1:23-cr-20173-KMM-3

Party To Be Represented: Pedro Jose Silva Ochoa

Dear Appointed Counsel:

You have been appointed to represent the above-named individual on appeal pursuant to the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. The compensation you will receive will be based on the provisions of the CJA, Volume 7 of the *Guide to Judiciary Policy*, and Addendum Four to the Eleventh Circuit Rules.

CJA eVoucher System

Information, documentation, and a link to the CJA eVoucher application are available at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. For questions concerning eVoucher please contact the Clerk's Office CJA Team at cja_evoucher@ca11.uscourts.gov or 404-335-6167. For all other questions, please call the appropriate number shown below.

Your claim for compensation under the CJA should be submitted no later than 45 days after issuance of the mandate or the filing of a petition for a writ of certiorari, whichever is later. When you submit your voucher, include a description of the services you provided and upload in eVoucher each brief, petition for rehearing, and certiorari petition you filed on behalf of your client.

Required Filings

Please review the docket, as well as the Federal Rules of Appellate Procedure and accompanying circuit rules, to determine if any additional action is needed at this time. *See, e.g.,* 11th Cir. R. 10-1 (Ordering the Transcript) and 11th Cir. R. 26.1-1 (Certificate of Interested Persons and Corporate Disclosure Statement (CIP)).

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Obligation to Notify Court of Change of Addresses

Each pro se party and attorney has a continuing obligation to notify this Court of any changes to the party's or attorney's addresses during the pendency of the case. See 11th Cir. R. 25-7.

Additional Information

Rules, forms, and additional information, including a handbook for pro se litigants, can be found at www.cal1.uscourts.gov.

Clerk's Office Phone Numbers

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CJA-1 Appointment of Counsel Notice