

No. _____

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

ERNEST N. LOTCHES,
Petitioner,

v.

COREY FHUERE, SUPERINTENDENT, OREGON STATE PENITENTIARY,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit**

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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***Counsel of Record**

Counsel for Petitioner

For the reasons that follow, and pursuant to Supreme Court Rule 39, Petitioner Ernest N. Lotches respectfully asks for leave to file the accompanying petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Mr. Lotches is an indigent prisoner serving a life-without-the-possibility-of-parole sentence in Oregon. He has been in continuous custody for nearly thirty-four years. *See Lotches v. Premo*, No. 6:14-cv-369, 2024 WL 1579428, at *1 (D. Or. Apr. 11, 2024), *aff'd*, No. 24-2652, 2026 WL 396539 (9th Cir. Feb. 12, 2026) (per curiam). The Office of the Public Defender for the District of Oregon, which solely represents indigent clients, was appointed to represent Mr. Lotches in his federal habeas proceedings below pursuant to 18 U.S.C. § 3006A. *See* Dist. Ct. Dkt. 8-1. Section 3006A only applies to individuals who are “financially unable to obtain counsel.” § 3006A(b). The Oregon Federal Defender represented Mr. Lotches throughout the duration of his Ninth Circuit litigation in his habeas proceedings. *See* 9th Cir. Dkt. 48. Mr. Lotches’ present attorney, Jonah J. Horwitz, is with the Federal Defender Services of Idaho, which also exclusively represents indigent clients. He was appointed to the case by the United States Court of Appeals for the Ninth Circuit on June 3, 2026 to prepare today’s certiorari petition. *See* 9th Cir. Dkt. 54.

In light of the above, Mr. Lotches is indigent and he respectfully requests permission to proceed in forma pauperis and to file the accompanying petition for writ of certiorari without prepayment.

Respectfully submitted this 12th day of June 2026.



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