

No. 26-_____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL FLETCHER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner respectfully requests leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit. Petitioner's affidavit or declaration is not attached because the district court appointed counsel under Criminal Justice Act, 18 U.S.C. § 3006A, and the court below extended that appointment.

A copy of the district court's order of appointment is appended.

Respectfully submitted,



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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON**

Eastern District of Kentucky
FILED

JUL 31 2024

AT COVINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

CRIMINAL CASE NO. 21-63-DLB-CJS-2

UNITED STATES OF AMERICA

PLAINTIFF

VS.

ORDER

MICHAEL FLETCHER, M.D.

DEFENDANT

The Court conducted a six-day bench trial last month which ultimately resulted in the Court finding the Defendant not guilty of Count One and guilty of Counts Two through Four. (Doc. # 249). The transcript of the Court's oral verdict has now been filed of record. (Doc. # 251). Defendant, who represented himself at trial, is now asking for Court-appointed counsel, and has now submitted two financial affidavits to chambers, along with numerous other financial documents, in support of his request.

The Court's review of Defendant's affidavits and accompanying financial information reveal that while he does make a significant income, he has a very large amount of debt, and his disposable income after his monthly expenses is very small. Accordingly, the Court finds he is entitled to Court-appointed counsel to represent him during the remainder of the case. However, this Order is without prejudice to a modification which may include a requirement that Defendant Fletcher provide partial or full reimbursement for attorneys fees and costs from the date of appointment of counsel should the U.S. Probation Office finds other assets during its presentence report which make partial or full reimbursement appropriate. See 18 U.S.C. § 3006A(f).

Accordingly, **IT IS ORDERED** that –

- (1) The attached financial affidavits shall be **filed** and **docketed by the Clerk**;
- (2) The attachments to the affidavits shall not be filed by the Clerk. Rather, those shall be retained by the Clerk **under seal**, accessible to U.S. Probation and counsel of record; and
- (3) Attorney Eric Eckes is **appointed** to represent Defendant Fletcher pursuant to 18 U.S.C. § 3006A(b) of the Criminal Justice Act.

This 31st day of July, 2024.



Signed By:

David L. Bunning *DB*

United States District Judge