No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MALLORY NEHEMIAH BROWN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a 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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Appointed under the Criminal Justice Act
Counsel for Petitioner

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

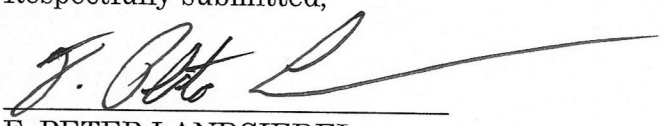
Petitioner Mallory Nehemiah Brown respectfully asks leave to file the accompanying petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of fees and costs and to proceed in forma pauperis. Sup. Ct. R. 39.1.

Petitioner was represented in the United States District Court for the District of Montana by counsel appointed under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A. On June 4, 2025, the district court appointed undersigned counsel, a member of that court's CJA panel, under 18 U.S.C. § 3006A(c) "to represent the Defendant at every stage of the proceedings." D. Ct. Doc. 36. Undersigned counsel continued as appointed counsel on appeal in the Ninth Circuit. A copy of the appointment order is appended to this motion. Because counsel was appointed below, no affidavit or declaration is required. Sup. Ct. R. 39.1; see 18 U.S.C. § 3006A(d)(7).

Petitioner did not separately seek leave to proceed in forma pauperis in the courts below. Because he was represented by appointed counsel, he proceeded on appeal in the Ninth Circuit without prepayment of fees and costs. See 18 U.S.C. § 3006A(d)(7); Fed. R. App. P. 24(a)(3).

The petition and this motion are prepared as required by Supreme Court Rule 33.2. Sup. Ct. R. 39.3.

Respectfully submitted,



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October 27, 2026

APPENDIX TO MOTION

Order Appointing Counsel under the Criminal Justice Act, *United States v. Brown*, No. 9:24-cr-00049-DLC (D. Mont. June 4, 2025), Doc. 36

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. MALLORY NEHEMIAH BROWN, Defendant.	CR 24–49–M–DLC ORDER

On June 4, 2025, the Court granted Defendant's motion for appointment of new counsel. (Doc. 35.) Accordingly, IT IS ORDERED that, pursuant to 18 U.S.C. § 3006A(c), Peter Landsiedel, a member of the CJA Panel of this District, is appointed to represent the Defendant at every stage of the proceedings, through disposition, including ancillary matters appropriate to the proceedings. The Court will rule on the pending motion to withdraw guilty plea once Defendant has had the opportunity to meet and discuss the motion with his new counsel.

IT IS FURTHER ORDERED that sentencing in this matter is RESET for July 1, 2025 at 1:30 p.m. at the Russell Smith Federal Courthouse in Missoula, Montana.

DATED this 4th day of June, 2025.

Dana L. Christensen, District Judge
United States District Court

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