No. 26-6106

ORIGINAL

FILED
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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT E. CARTER — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☑ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court , Western District of Wisconsin

United States Court of Appeals, Seventh Circuit

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☑ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☑ The appointment was made under the following provision of law: Criminal Justice Act, 18 U.S.C. 3006A(b) and (c), or

☑ a copy of the order of appointment is appended.

Robert E. Carter
(Signature)

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AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, ROBERT E. CARTER, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$200	$6,500	$200	$6,500
Self-employment	$	$	$	$
Income from real property (such as rental income)	$	$	$	$
Interest and dividends	$	$	$	$
Gifts	$	$	$	$
Alimony	$	$	$	$
Child Support	$	$	$	$
Retirement (such as social security, pensions, annuities, insurance)	$	$	$	$
Disability (such as social security, insurance payments)	$	$	$	$
Unemployment payments	$	$	$	$
Public-assistance (such as welfare)	$	$	$	$
Other (specify):	$	$	$	$
Total monthly income:	$200	$6,500	$200	$6,500

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
unemployed			$
			$
			$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Carretta Senior Living		June 1, 2023	$6,500
			$
			$

4. How much cash do you and your spouse have? $125.53
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	$22.41	$103.12
	$	$
	$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☑ Home
Value 495,000

☐ Other real estate
Value

☑ Motor Vehicle #1
Year, make & model 2020/BMW/750il
Value - $23,000

☑ Motor Vehicle #2
Year, make & model 2014/BMW/750Li
Value -$5,500

☐ Other assets
Description There are none.
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	$	$
	$	$
	$	$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
ICB;ACB;SCB;MCB	Two Sons/Two Daughters	10; 8; 6; 3
Raul Borgos Cotto	Grandfather	90
Maria Ramos Mercado	Grandmother	84

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? ☑ Yes ☐ No Is property insurance included? ☑ Yes ☐ No	$0	$1,800
Utilities (electricity, heating fuel, water, sewer, and telephone)	$0	$900
Home maintenance (repairs and upkeep)	$0	$250
Food	$0	$800
Clothing	$0	$500
Laundry and dry-cleaning	$0	$150
Medical and dental expenses	$0	$100

	You	Your spouse
Transportation (not including motor vehicle payments)	$0	$350
Recreation, entertainment, newspapers, magazines, etc.	$0	$0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$0	$0
Life	$0	$0
Health	$0	$0
Motor Vehicle	$0	$0
Other: _____	$0	$0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	$0	$0
Installment payments		
Motor Vehicle	$0	$1,900
Credit card(s)	$0	$250
Department store(s)	$0	$0
Other: _____	$0	$0
Alimony, maintenance, and support paid to others	$0	$0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$0	$0
Other (specify): _____	$0	$0
Total monthly expenses:	$0	$6,900

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☑ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☑ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☑ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am currently in the custody of the BOP and cannot afford the fee at this time

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/26/2026, 2026



(Signature)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT E. CARTER,

Defendant.

ORDER ON REMAND

22-cr-124-wmc

Defendant Robert E. Carter, who chose to represent himself at trial despite being repeatedly advised against that course of action, is pursuing an appeal from his conviction on two counts of wire fraud. *United States v. Carter*, No. 24-2950 (7th Cir.). The Seventh Circuit has remanded the case for the limited purpose of determining whether Carter may be eligible to proceed *in forma pauperis* on appeal for purposes of paying for transcripts and the services of court-appointed counsel under the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1). The court has reviewed the affidavit accompanying Carter's motion for permission to appeal *in forma pauperis*, which he filed with the Seventh Circuit on February 21, 2025, and concludes that the motion should be granted.

In addition, the court asked Carter to file an updated transcript information sheet to identify which transcripts he is seeking at government expense. He has identified the transcript for the "Instruction conference," which occurred on the first day of trial, July 16, 2024. (Dkt. #440.) That proceeding is transcribed (dkt. #385), and it is the court's understanding that Carter was previously given this transcript by the government.[1] Carter

[1] If defendant does not already have a transcript of the proceedings on July 16, 2024, he should contact the court in writing immediately with another transcript request.

also requests a transcript of his sentencing hearing, which occurred on October 17, 2024. This proceeding has not yet been transcribed. To the extent that this transcript is needed to decide issues he is raising on appeal, 28 U.S.C. § 753(f), his request for a transcript of his sentencing hearing at government expense (dkt. #440) will also be granted.

ORDER

IT IS ORDERED that defendant Robert Carter's motion to proceed *in forma pauperis* on appeal and his request for a transcript of his sentencing hearing at government expense (dkt. #440) are GRANTED.

Entered this 25th day of March, 2025.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

01/08/2024	131	CJA 20: Attorney Peter R Moyers appointed for defendant Robert E. Carter. Signed by Magistrate Judge Stephen L. Crocker on 12/28/2023. (nln) (Entered: 01/08/2024)
01/08/2024	132	Notice to Correct CJA-20 Form to Stand-by Counsel From Appointed Counsel re 131 CJA 20 - Appointment by Robert E. Carter. (Carter, Robert) (Entered: 01/08/2024)
01/10/2024	133	Corrected CJA 20: Attorney Peter R Moyers appointed as standby counsel for defendant Robert E. Carter. Signed by Magistrate Judge Stephen L. Crocker on 12/28/2023. (nln) (Entered: 01/10/2024)

12/20/2023	119	**** TEXT ONLY ORDER **** The court held a hearing on the pending motions today; the government appeared by Assistant United States Attorney Dan Graber; defendant appeared pro se. For the reasons stated on the record, the court found the following discovery motions were DENIED AS MOOT: dkts. ## 91 , 102 , 108 , 115 (except that if defendant wishes to have direct witness contact information, he must ask the government to contact the witness to see if willing to talk to him, and if so, to provide contact information). As to the motions regarding travel, modification of release conditions and to over-rule USP decision to deny Amazon independent contractor opportunity (dkts. ## 59 , 60 , 78 , 79 , 82 , 85 , 103 , 104), those motions were DENIED for reasons also stated on the record. Finally, the court ordered the Federal Defenders Office to appoint standby counsel in the hopefully unlikely event it should become necessary to relieve the defendant of his pro se status. Although defendant indicated that he has no use for standby counsel, this appointment is prophylactic and standby counsel should take what steps they deem necessary to prepare for trial, should they be directed to complete the trial. Signed by District Judge William M. Conley on 12/20/2023. (nln) (Entered: 12/20/2023)

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 9, 2025

By the Court:

No. 24-2950

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

v.

ROBERT E. CARTER,
Defendant - Appellant.

Appeal from the United States District Court for the Western District of Wisconsin.

No. 3:22-cr-00124-wmc-1

William M. Conley,
Judge.

Defendant-appellant Robert E. Carter proceeded *pro se* in the district court with the appointment of standby counsel. Our task now is to determine whether defendant Robert E. Carter "knowingly and intelligently" waives his right to counsel on appeal. *See Faretta v. California*, 422 U.S. 806, 835 (1975). Accordingly,

IT IS ORDERED that attorney Thomas Patton is appointed for the **LIMITED** purpose of ensuring that Robert E. Carter knowingly and intelligently waives his right to counsel. Attorney Patton (or another attorney from his office) must discuss with defendant Robert E. Carter the consequences of handling an appeal without the benefit of counsel, in conformity with *Faretta*, to ensure that he is fully aware of the hazards and disadvantages of self-representation on appeal. *See United States v. Eads*, 729 F.3d 769, 776 (7th Cir. 2013).

The discussion with Robert Carter should be thorough and include sufficient detail to ensure that defendant Carter's decision of self-representation is knowing, intelligent, voluntary, and unequivocal. *See United States v. Clark*, 774 F.3d 1108, 1112-13 (7th Cir. 2014); *cf. United States v. Oreye*, 263 F.3d 669 (7th Cir. 2001) (inquiry regarding perils of self-representation should be sufficiently detailed).

Attorney Thomas Patton (or another attorney from his office) should report back to the court with their assessment of whether defendant Carter's desire to proceed *pro se* on appeal is knowing, intelligent, voluntary, and unequivocal. Counsel's report is due on or before May 7, 2025.

IT IS FURTHER ORDERED that Attorney Peter R. Moyers is **DISCHARGED** from further responsibility in this appeal.