No._____

IN THE
SUPREME COURT OF THE UNITED STATES

_____

JAMES KELLY,
Petitioner

Vs.

UNITED STATES OF AMERICA,
Respondent.

_____

On Petition for a Writ of Certiorari
To the United States Court of Appeals
For the Second Circuit

_____

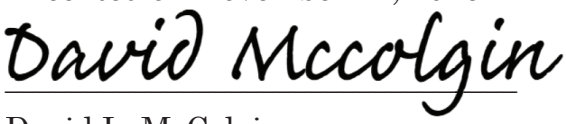
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

_____

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner is indigent and was previously granted leave to proceed *in forma pauperis* in the following courts: The United States District Court for the Southern District of New York and

the Second Circuit Court of Appeals. The undersigned was appointed to the appeal pursuant to the Criminal Justice Act. The appointment order is attached. Currently, the petitioner is serving a 160-month prison sentence and he remains indigent.

Executed on November 11, 2026



David L. McColgin

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

DEBRA ANN LIVINGSTON
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: March 18, 2025
Docket #: 25-495
Short Title: United States of America v. Kelly

DC Docket #: 1:23-cr-113-1
DC Court: SDNY (NEW YORK CITY)
Trial Judge - Gregory Howard Woods

NOTICE of the APPOINTMENT of CJA COUNSEL

This Court has appointed counsel to represent you in your appeal pursuant to the Criminal Justice Act. Appointed counsel is:

Name: David L. McColgin

Firm: David L. McColgin, Attorney at Law

Address: P.O. Box 397, Charlotte, VT 05445

Phone No: 802-356-9863

Please see the enclosed copy of this court's order of appointment.

Please direct all future correspondence and other communications to your appointed counsel.

Inquiries regarding this case may be directed to 212-857-8588.