

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL INDICTMENT
	:	NO. 2:11-CR-002-WCO-1
CHARLES TOMLIN a/k/a RICK	:	
TOMLIN,	:	
	:	
Defendant.	:	

ORDER

The captioned case is before the court for consideration of defendant’s “Motion to Proceed In Forma Pauperis” [75].

On March 6, 2012, defendant filed this motion seeking to appeal in forma pauperis. Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, “a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court.” FED R. APP. P. 24(a)(1). This motion must include an affidavit that: (1) shows in detail “the party’s inability to pay to give security for fees and costs,” FED. R. APP. P. 24(a)(1)(A); (2) claims an entitlement to redress, FED. R. APP. P. 24(a)(1)(B); and (3) states the issues that the party intends to present on appeal, FED. R. APP. P. 24(a)(1)(C). Defendant’s motion and affidavit do not state the issues that he intends to present on appeal. Additionally, the court has several questions

about defendant's inability to pay and the fee arrangement between defendant and the attorney he previously retained.

To answer these questions and to determine if this motion should be granted, it is necessary to hold a hearing. The court hereby schedules a hearing on this motion for March 21, 2012, at 2:00 p.m. in the third floor courtroom of the United States Courthouse located in Gainesville, Georgia. Defendant and his trial attorney should bring a copy of any fee agreement and all time records in this case. At the hearing the government and defendant may present any additional evidence or argument as to why this motion should be granted or denied.

Defendant's presence will be necessary at the hearing. Since the criminal judgment entered against defendant required him to surrender on March 20, 2012, to either the institution designated by the Bureau of Prisons or to the United States Marshal for this district, this date must be changed. The court hereby amends the criminal judgment to change defendant's reporting date to March 23, 2012.

For the foregoing reasons, the government, defendant, and defendant's trial attorney are hereby **ORDERED** and **DIRECTED** to appear for a hearing regarding defendant's "Motion to Proceed In Forma Pauperis" [75] on March 21, 2012, at 2:00 p.m. in the Third Floor Courtroom of the United States Courthouse, 121 Spring St., S.E., Gainesville, Georgia. Defendant's criminal judgment is hereby **AMENDED** to

reflect that he is required to surrender to the institution designated by the Bureau of Prisons for service of his sentence at 12:00 p.m., March 23, 2012. If no designation has been made at that time, defendant shall surrender to the United States Marshal for this district at 75 Spring Street, Richard B. Russell Courthouse, Atlanta, GA 30303 at 12:00 p.m. on March 23, 2012.

IT IS SO ORDERED, this 7th day of March, 2012.

s/William C. O'Kelley

WILLIAM C. O'KELLEY
Senior United States District Judge