

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2017**

SCOTT DRAKE CLABOURNE, *Petitioner,*

v.

STATE OF ARIZONA, *Respondent.*

**MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

JON M. SANDS
Federal Public Defender
TIMOTHY M. GABRIELSEN
Assistant Federal Public Defender
407 West Congress Street, Suite 501
Tucson, Arizona 85701
Telephone: (520) 879-7614
tim_gabrielsen@fd.org

S. JONATHAN YOUNG
Post Office Box 42245
Tucson, Arizona 85733
Telephone (520) 795-0525
jon@williamsonandyoung.com

Counsel for Petitioner

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Pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States, Petitioner Scott Drake Clabourne requests to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Mr. Clabourne is incarcerated in the Arizona State Prison Complex-Eyman, Central Unit, in Florence, Arizona. On December 24, 2003, the United States District Court for the District of Arizona appointed as counsel for Mr. Clabourne in his federal capital habeas corpus case S. Jonathan Young, Esq. *See Clabourne v. Schriro*, Dist. Ct. No. CIV 03-542-TUC-CKJ, Dkt. 8. The appointment was made pursuant to 21 U.S.C. § 848(q)(4)(B). In the same order, the court further ordered that Mr. Clabourne be permitted to proceed *in forma pauperis*. *Id.* Mr. Young continued his representation of Clabourne in the Ninth Circuit as well.

On October 6, 2017, Mr. Clabourne, through counsel, moved the United States District Court for the District of Arizona to appoint the Federal Public Defender for the District of Arizona as co-counsel in this matter. Dist. Ct. Dkt. 55. Finding good cause, the District Court, on October 10, 2017, granted that motion and appointed Jon M. Sands, the Federal Public Defender, as co-counsel in this matter pursuant to 18 U.S.C. § 3599(a)(2). Dist. Ct. Dkt. 56. Arizona Assistant FPD Timothy M. Gabrielsen entered his appearance on October 11, 2017. Dist. Ct. Dkt. 57.

Thus, counsel appointed to represent Mr. Clabourne due to his indigency in the federal habeas proceedings have continuously represented him since 2003. For these reasons, Mr. Clabourne asks that this Court grant this motion and allow him to proceed *in forma pauperis*.

Respectfully submitted this 29th day of December, 2017.

Jon M. Sands
Federal Public Defender
Timothy M. Gabrielsen
Assistant Federal Public Defender

S. Jonathan Young, Esq.

By: 

S. Jonathan Young

Counsel of Record for Petitioner