

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 2017

No.

MICHAEL SMITH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

The Petitioner, Michael Smith, through his attorney, hereby moves pursuant to Supreme Court Rule 39.1, for leave to proceed *in forma pauperis* before this Court. In support of his motion, Petitioner states that he has, under the Criminal Justice Act of 1964 (18 U.S.C. § 3006A), been represented by appointed counsel throughout the proceedings below and remains without sufficient funds to afford counsel or payment of costs.

WHEREFORE, Petitioner respectfully prays that an order be entered granting him leave to proceed *in forma pauperis*.

Dated January 17, 2018, at Chicago, Illinois.

By: s/William H. Theis
William H. Theis
Counsel of Record
For the Petitioner

WILLIAM H. THEIS
FEDERAL DEFENDER PROGRAM
55 E. Monroe Street, Suite 2800
Chicago, Illinois 60603
(312) 621-8300

DECLARATION

William H. Theis states that he is an attorney with the Federal Defender Program, which was appointed by the United States Court of Appeals for the Seventh Circuit, pursuant to the Criminal Justice Act, to represent Petitioner in the Court of Appeals.

The Petitioner is in custody and does not have the financial ability to afford an attorney on this petition to the United States Supreme Court for a writ of certiorari.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed on January 17, 2018, at Chicago, Illinois.

s/William H. Theis _____
William H. Theis
Counsel of Record
For the Petitioner