

OCTOBER TERM 2017

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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RONALD GRAY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

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Undersigned counsel, on behalf of Petitioner and pursuant to Rules 39.1 and 40.3 of the Supreme Court Rules, respectfully requests leave to proceed *in forma pauperis* in filing the attached Petition for Writ of Certiorari or Mandamus in this capital case.

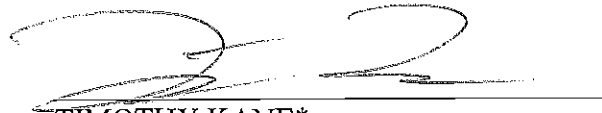
Petitioner is a Private in the United States Army who has, in connection with his capital convictions, been sentenced to forfeiture of all pay. *See United States v. Gray*, 51 M.J. 1, 9 (CAAF 1999). He has no assets or sources of income and has been unable to afford counsel or costs at any stage of his court-martial or federal habeas proceedings. The military and Article III courts have appointed counsel for Petitioner at every stage of his proceedings.

On March 9, 2016, the United States Court of Appeals for the Tenth Circuit granted Petitioner's Motion to Continue Appointment of Counsel pursuant to 18 U.S.C. § 3006A(c) and 3599(a)(2). Petitioner had previously been granted leave to proceed *in forma pauperis* by the

United States District Court for the District of Kansas. The military courts do not make *in forma pauperis* determinations; they provide counsel to all service-members charged with serious crimes, and they levy no court fees.

Pursuant to Supreme Court Rule 40.3 and 10 U.S.C. § 867a(b), Petitioner is not required to file and does not here attach an affidavit of indigency.

Respectfully submitted,



JONATHAN JEFFRESS  
KaiserDillon PLLC  
1401 K St NW #600  
Washington, DC 20005  
jjeffress@kaiserdillon.com  
(202) 640-4430

TIMOTHY KANE\*  
SHAWN NOLAN  
Federal Community Defender for the  
Eastern District of Pennsylvania  
601 Walnut Street, Suite 545 West  
Philadelphia, PA 19106  
Timothy\_Kane@fd.org  
Shawn\_Nolan@fd.org  
Katherine\_Ensler@fd.org  
(215) 928-0520

Counsel for Petitioner

\*Counsel of Record & Member of the  
Bar of the United States Supreme Court

Dated: February 9, 2018