

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PERRY AUSTIN, *Petitioner*,
v.
LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CORRECTIONAL INSTITUTIONS DIVISION, *Respondent*

ON WRIT OF CERTIORARI TO THE
COURT OF APPEALS FOR THE FIFTH 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 has previously been appointed counsel in this proceeding: in the district court on June 18, 2004 pursuant to 21 U.S.C. §848(q)(4)(B) and 848(q)(7); and, in the circuit court on August 1, 2013 pursuant to 18 U.S.C. §3006A.

Thus, pursuant to S. Ct. Rule 39(1) no affidavit or declaration is required.

Respectfully submitted,

RICHARD BOURKE, *Counsel of Record*
Attorney for Petitioner

Dated: April 11, 2018