

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2017

PHILLIP ANGEL GARCIA,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Phillip Angel Garcia, through his attorney, who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(c), respectfully moves this Court to grant leave to continue to proceed *in forma pauperis*. In support of this motion, counsel states:

1. The Federal Public Defender Organization for the District of New Mexico is an entity organized pursuant to 18 U.S.C. §3006A(h)(2)(a).

2. Pursuant to the Criminal Justice Act, 18 U.S.C. §3006A(b) & (c), on March 30, 2016, the United States District Court for the District of New Mexico appointed the Federal Public Defender to represent Mr. Garcia during his proceedings pursuant to 28 U.S.C. § 2255 before the court.

3. Pursuant to 18 U.S.C. § 3006A(c), on February 15, 2017, the United States Court of Appeals for the Tenth Circuit appointed the Federal Public Defender for the District of New Mexico to represent Mr. Garcia on appeal.

4. Mr. Garcia has indicated he wishes that his appointed Federal Public Defender present this petition to this Court.

5. Mr. Garcia is currently incarcerated serving the sentence he challenges in this cause. As far as counsel is aware, Mr. Garcia continues to be indigent.

For these reasons, petitioner Phillip Angel Garcia moves this Court to grant leave for him to proceed *in forma pauperis* before this Court.

s/ Mallory Gagan
Mallory Gagan
Attorney for Petitioner
FEDERAL PUBLIC DEFENDER
111 Lomas NW, Suite 501
Albuquerque, NM 87102
(505) 346-2489
mallory_gagan@fd.org