

No. _____

**In The
Supreme Court of the United States**

SHANNON DALE SMITH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

COMES NOW, Counsel for Petitioner Shannon Dale Smith and files this Motion for Leave to Proceed *In Forma Pauperis*. See Sup. Ct. R. 39. In support of this motion, Petitioner would show the following:

On June 29, 2016, the United States District Court for the Northern District of Texas found Mr. Smith indigent. *United States v. Smith*, No. 5:15-CR-00090-C, “Order” (N.D.T.X. June 29, 2016) (attached). On that same day, it appointed undersigned counsel of record to represent Mr. Smith. See 28 U.S.C. § 1915; 18 U.S.C. § 3006A(b).

Mr. Smith has been continuously incarcerated since the district court's determination of indigency. He remains incarcerated to this day. To counsel's knowledge, Mr. Smith remains indigent. Undersigned counsel continues to act as CJA counsel for him.

Counsel asks Mr. Smith be allowed to continue under *in forma pauperis* status for all proceedings before this Court.

Prayer

Petitioner prays the Court grant this Motion and allow him to continue under *in forma pauperis* status for the proceedings before this Court.

Respectfully submitted,

A handwritten signature in black ink that reads "Allison Clayton". The signature is written in a cursive, flowing style. The first name "Allison" is written above the last name "Clayton", and they are connected by a continuous line.

Allison Clayton
Counsel of Record

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA

V

SHANNON DALE SMITH

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CASE NO: 5:15-CR-090
ECF


ORDER

The Court having considered the Motion for Leave to Proceed In Forma Pauperis on Appeal (ECF No. 96) and Motion for Order Granting Leave to Proceed on Appeal In Forma Pauperis, Appointing Counsel On Appeal, and Directing Preparation of Transcript (ECF No. 97) is of the opinion that the same should be GRANTED.

The Clerk shall provide a copy of this order to each attorney of record.

SO ORDERED.

DATE: June 29, 2016.


NANCY M. KOENIG
United States Magistrate Judge