

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

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IN THE SUPREME COURT OF THE UNITED STATES

TIMOTHY GALEN TOLBERT, also known as Timothy Tolbert,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

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MOTION TO PROCEED IN FORMA PAUPERIS

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Pursuant to Title 18, United States Code, Section 3006A(d)(7) and Rule 39 of this Court, Petitioner, TIMOTHY GALEN TOLBERT, also known as Timothy Tolbert, asks leave to file the Attached Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of fees or costs and to proceed *in forma pauperis*.

Petitioner was represented by counsel appointed pursuant to Title 18, United States Code, Section 3006(a) in the United States District Court for the Western District of Texas and on appeal to the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

Steve Hershberger, Attorney at Law  
Texas State Bar # 09543950  
600 No. Marienfeld St., Ste 850  
432-570-4014

Attorney for Petitioner

State of Texas )

County of Midland )

DEPOSITOR, being first duly sworn, deposes and says under oath:

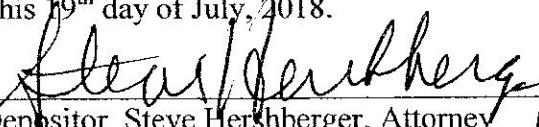
That on July 19, 2018, the Petitioner for Writ of Certiorari, the in the above-entitled case, was deposited in a United States Post Office mail box located in Midland, Midland County, Texas, with first class postage prepaid, properly addressed to the Clerk of the Supreme Court of the United States and within the time allowed for filing said Petition for Writ of Certiorari;

That an additional copy of the Petition and Motion to Proceed In Forma Pauperis were served on Counsel for Respondent:

Solicitor General of the United States, Department of Justice  
950 Pennsylvania Ave., Northwest  
Washington, D.C. 20530

Dated at Midland, Midland County, Texas, this 19<sup>th</sup> day of July, 2018.

Subscribed and Sworn to before me  
this 18 day of July, 2018.

  
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Depositor, Steve Hershberger, Attorney

Cynthia Wiebusch  
Notary Public, in and for the State of Texas

Respectfully submitted,

Steve Hershberger, Attorney at Law  
600 No. Marienfeld St., Ste. 850  
Midland, TX 79701  
432-570-4014

Attorney for Petitioner

