

NO. \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES**

**October Term 2017**

**MARTIN MICHAEL YBARRA,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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

Petitioner **MARTIN MICHAEL YBARRA**, through his attorney who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, respectfully moves this Honorable Court to grant leave to continue to proceed *in forma pauperis*. In support of this motion, counsel declares under penalty of perjury:

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

2. Pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, the United States Court of Appeals for the Tenth Circuit appointed the Federal Public Defender Organization for the District of New Mexico on April 23, 2015, to represent Petitioner, **MARTIN MICHAEL YBARRA**, in an appeal of his conviction and sentence imposed in a federal criminal case.

3. One of the duties of counsel appointed in the Tenth Circuit is to represent

Petitioner in a Petition for a Writ of Certiorari if the Petitioner so requests.

4. The Magistrate Judge for the District of New Mexico entered an Order on April 22, 2009, determining Petitioner was indigent and granting his financial affidavit for appointment of counsel and to proceed without prepayment of fees or other costs. Below-signed counsel was reappointed on May 16, 2016, to represent Petitioner in connection with his Motion to Vacate and Correct Sentence pursuant to 28 U.S.C. § 2255. Pursuant to Tenth Circuit Rule 24.1, a party who has been permitted to proceed in an action in District Court *in forma pauperis* may proceed on appeal without further authorization unless the District Court certifies otherwise.

5. Following the issuance of the Tenth Circuit's opinion in this case, Petitioner's appointed Assistant Federal Public Defender is presenting this Petition to this Court upon Petitioner's request.

6. Upon information and belief of counsel, Petitioner continues to be indigent.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
506 South Main, Suite 400  
Las Cruces, New Mexico 88001  
(575) 527-6930

/s/Jane Greek

Attorney for Petitioner