

No. 17A1342

IN THE SUPREME COURT OF THE UNITED STATES

DAVID E. MILLER,

Petitioner,

v.

TONY MAYS, Warden,

Respondent.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Comes the Petitioner, David Earl Miller, pursuant to Rule 39 of the Rules of the Supreme Court of the United States and asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner was granted leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Tennessee and Petitioner continued to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit pursuant to Federal Rule of Appellate Procedure 24(a)(3). Petitioner was permitted to proceed *in forma pauperis* in this Court in 2013.

The United States District Court for the Eastern District of Tennessee appointed Federal Defender Services of Eastern Tennessee, Inc. to represent Mr. Miller pursuant to 21 U.S.C. § 848(q)(4)(B), presently codified at 18 U.S.C. § 3599. See Sup. Ct. R. 39(1).

Respectfully submitted,



STEPHEN M. KISSINGER
ASSISTANT FEDERAL COMMUNITY DEFENDER
Counsel of Record for Petitioner
FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.
800 S. GAY STREET, SUITE 2400
KNOXVILLE, TN 37929
PHONE: (865) 637-7979
FACSIMILE: (865) 637-7999
Stephen_Kissinger@fd.org

August 13, 2018